FEDERAL REGISTER

VOLUME 7 NUMBER 154

Washington, Thursday, August 6, 1942

The President

EXECUTIVE ORDER 9213

EXTENDING THE EXISTENCE OF THE QUETICO-SUPERIOR COMMITTEE

By virtue of the authority vested in me as President of the United States, I hereby extend the existence of the Quetico-Superior Committee, created by Executive Order No. 6783 of June 30, 1934, for a period of four years, from June 30, 1942, to June 30, 1946.

This order shall be effective as of June 30, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 4, 1942.

[F. R. Doc. 42-7565; Filed, August 4, 1942; 3:06 p. m.]

Regulations

TITLE 29—LABOR

Chapter IV—United States Children's Bureau

[Amendment to Child Labor Reg. 3]

PART 441—EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE

EMPLOYMENT OF MINORS IN THE FRUIT-DRYING INDUSTRY

AUGUST 4, 1942.

Whereas, the Chief of the Children's Bureau, United States Department of Labor, issued Child Labor Regulation No. 3 (Part 441, Chapter IV, Title 29, Code of Federal Regulations), effective May 24, 1939, providing that the employment of minors between the ages of 14 and 16 years under specified conditions in all occupations other than those specifically excepted by such regulation shall not be deemed to constitute oppressive child labor, and

Whereas among the occupations excepted from the scope of Child Labor Regulation No. 3 are all processing occupations, including occupations requiring the performance of any duties in workrooms or workplaces where goods are processed, and

Whereas a petition was received from certain fruit dry yard operators and supporting organizations located in Lake County, California, requesting authority to employ minors under 16 years of age in a processing occupation, namely, the cutting of Bartlett pears, and

Whereas the question raised by said petition appeared to be a question of interest to the entire fruit-drying industry, and

Whereas after notice duly published in the FEDERAL REGISTER, a public hearing was held on June 25, 1942, upon the issue "In what, if any, occupations in the fruit-drying industry and under what conditions will the employment of minors between the ages of 14 and 16 years not interfere with their schooling or with their health or well-being," and

Whereas the complete record of the proceedings before the presiding officer has been transmitted to and reviewed by the Chief of the Children's Bureau, and

Whereas it appears that shortages of labor are limiting production of dried fruit needed for war purposes and that such production will be aided by the employment of minors between the ages of 14 and 16 years in the cutting of pears, peaches and apricots in fruit dry yards.

Now, therefore, it is ordered that Part 441 of Chapter IV, Title 29, Code of Federal Regulations is hereby amended so as to include the following section, to be designated as § 441.8:

§ 441.8 *Employment in fruit dry yards.* Notwithstanding the provisions of § 441.2 hereof, during the continuance of the present war and for six months after the termination thereof, this regulation shall apply to the cutting of pears, peaches, and apricots in fruit dry yards when carried on under the following conditions:

(a) Such employment shall be confined to the periods prescribed in § 441.3 of this regulation.

(b) Such employment shall not be permitted on more than six days in any seven day period.

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THE PRESIDENT

REGULATIONS

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FEDERAL REGISTER

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(c) A meal period of not less than 45 minutes shall be allowed after not more than five hours of work during each day of employment.

(d) In addition to the meal period provided under paragraph (c) hereof, a 15 minute rest period shall be allowed during each half day of employment. Such rest period shall be allowed after not more than two and one-half hours of work and shall be counted as hours worked within the meaning of § 441.3 (d) hereof.

(e) Seats shall be provided for all minor employees between 14 and 16 years of age and such minors shall be permitted to use such seats while working.

(f) Pure drinking water, adequate washing facilities, and adequate sanitary toilet facilities shall be made available within the immediate proximity of each cutting shed in or about which minors between 14 and 16 years of age are employed.

(g) Employment shall not be permitted in such proximity to sulphur kilns as to involve exposure to sulphur dioxide fumes.

(h) Employers shall post in each cutting shed in or about which minors between 14 and 16 years of age are employed a notice in the form prescribed by the Chief of the Children's Bureau stating the conditions under which such minors may be employed.

This amendment shall become effective upon publication in the FEDERAL REGISTER and shall remain in force during the continuance of the present war and for six months after the termination thereof, or until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau, whichever is earlier. (Sec. 3 (l), 52 Stat. 1061; 29 U.S.C. 203 (l))

KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 42–7592; Filed, August 5, 1942; 11:19 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1498, Part II]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER AMENDING RELIEF ORDER

Order amending order granting temporary relief in Docket No. A–1498 Part II and terminating the hearing in this matter, notice to be held on August 4, 1942, in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of the Wilson Mine, Mine Index No. 1428 of H. F. Wilson.

An order granting temporary relief and notice of and order for hearing to be held on August 4, 1942, was issued in the above-entitled matter on July 2, 1942, 7 F.R. 5093, temporarily establishing price classifications and minimum prices for the coals of the Wilson Mine, Mine Index No. 1428, of H. F. Wilson, from Somers, Pennsylvania, on the Pittsburgh and Lake Erie Railroad for all shipments except truck. The petition proposed that price classifications and minimum prices be also made effective from Pricedale, Pennsylvania, on the Monessen Southwestern Railway. The original petition did not set forth sufficient facts, without a hearing, to warrant making such price classifications and minimum prices effective from Pricedale, Pennsylvania, on the Monessen Southwestern Railway for the coals of this mine for all shipments except truck.

The original petitioner in the above-entitled matter on July 20, 1942, filed a motion with the Division requesting that the original petition in this matter be amended by eliminating therefrom the proposal that price classifications and minimum prices be established for the coals of the Wilson Mine, Mine Index No. 1428, of H. F. Wilson, for rail shipment from Pricedale, Pennsylvania, on the Monessen Southwestern Railway, and further requesting that the hearing in this matter, noticed to be held on August 4, 1942, by Order of July 2, 1942, be terminated.

It appears that good cause has been shown for the granting of the motion in the manner hereinafter set forth, and that no pleadings in opposition to said motion have been filed with the Division in the above-entitled matter.

Now, therefore, it is ordered, That the said Order granting temporary relief, dated July 2, 1942, in the above-entitled matter be, and it hereby is, amended by

making conditionally final the said temporary relief granted to the Wilson Mine, Mine Index No. 1428, of H. F. Wilson, and it is further ordered that the hearing in this matter, noticed to be held on August 4, 1942, be, and the same is hereby terminated.

It is further ordered, That commencing forthwith § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 322.9 (*Special prices* (c) *Railroad fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the motion filed with the Division by petitioner in this matter be, and it hereby is, granted, by eliminating therefrom the proposal that price classifications and minimum prices be established for the coal of the Wilson Mine, Mine Index No. 1428, of H. F. Wilson, for rail shipment from Pricedale, Pennsylvania, on the Monessen Southwestern Railway.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: July 31, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.														
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1428	Wilson, H. F.	Wilson	Pittsburgh	9	Somers, Pa.	P&LE	73	E	E	C	C	C	C	C	C	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for this size group.

§ 322.9 *Special prices* (c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule add Mine Index No. 1428 to Group No. 1.

[F. R. Doc. 42–7554; Filed, August 4, 1942; 11:07 a. m.]

[Dockets A–56 and A–59]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF

Memorandum opinion and order modifying, approving and adopting as modified the proposed findings of fact, proposed conclusions of law, and recommendation of the Examiner, and granting relief in the matter of the petition of District Board 15, praying for changes in the Schedule of Effective Minimum Prices for District 15, for All Shipments Except Truck, by amending (1) Price Instruction 11 (d) and (2) the special price instruction appearing in the Schedule of Delivered Differentials, page 12 of the schedule and in the matter of the petition of District Board No. 15, requesting modification of the Schedule of Effective Minimum Prices for District No. 15, for All Shipments Except Truck, by amending the Effective Minimum Prices for code members in District No. 15 on shipments of off line railroad locomotive fuel to the Chicago and Great Western Railroad and Chicago, Rock Island and Pacific Railroad.

These proceedings were instituted upon petitions filed by District Board 15 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. Request is made in Docket No. A–56 for (1) the modification of Price Instruction 11 (iv) appearing in § 335.1 (a) in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck, and (2) the modification of the special price instruction appearing in the Schedule of Delivered Differentials appearing in § 335.6 in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck; in Docket No. A–59, request is made for (1) a modification of the effective minimum prices established for mines in Production Groups 1, 2, 3, and 4 in District 15, which are applicable on shipments of locomotive fuel to the Chicago Great Western Railway ("Chicago Great Western") and (2) a modification of the effective minimum prices established for mines in Production Group 2 of District 15 applicable on shipments of locomotive fuel to the Chicago, Rock Island and Pacific Railway Company, ("Chicago, Rock Island and Pacific").

Petitions of intervention were filed in both dockets by District Board 10 and in Docket No. A–56 by Central State Collieries, Inc., et al.,[1] and a notice of appearance was filed in both dockets by the Consumers' Counsel Division.[2] Temporary relief was granted, with a limitation, however, on shipments to the Chicago, Rock Island and Pacific to Mine Index Nos. 116 and 127.

After notice to all interested persons, a consolidated hearing in these matters was held October 30, 1940, through November 1, 1940, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.[3] Appearances were entered by District Boards 10, 12, and 15, the intervening District 10 code members, the Hume-Sinclair Coal Mining Company and Crowe Coal Company, code members in District 15, the Chicago Great Western, the Chicago, Rock Island and Pacific and the Consumers' Counsel Division. A brief was filed by the Consumers' Counsel.

[1] Central State Collieries, Inc., Little John Coal Company, Midland Electric Coal Corporation, Northern Illinois Coal Corporation, Osage Coal Company, Sahara Coal Company, Shuler Coal Mining Company, Southwestern Illinois Coal Corporation, Truax-Traer Coal Company, The United Electric Coal Companies, and Wilmington Coal Mines, Inc., code member producers in District 10.

[2] Now the Office of the Bituminous Coal Consumers' Counsel.

[3] An Order of the Director dated October 5, 1940, consolidated Dockets Nos. A–56, A–59, and A–70 for the purpose of hearing. Docket No. A–70 is the subject of a separate Order.

On May 14, 1942, the Examiner submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation ("Examiner's Report") in this matter, in which the Examiner found, in Docket No. A–56 that the price instructions there involved have caused confusion among District 15 code members, since the instructions might be read as authorizing an absorption to be made from the transportation charges rather than from the schedule prices, and that in order to preserve the basic principles upon which the effective minimum prices for rail shipment of District 15 coals were established and coordinated, such price instructions should be reworded so as clearly to give due adherence to such basic principles; and in Docket No. A–59, (1) that in order to preserve the existing fair competitive opportunities of the mines in Production Groups 1, 2, and 3 of District 15 it is necessary to allow them an absorption privilege of up to 60 cents per ton on shipments to the Chicago Great Western of locomotive fuel, the effective minimum price of which is $2.10 per ton but that no such relief should be granted mines in Production Group 4 since the evidence indicated that such mines had not in recent years shipped coals to the Chicago Great Western; and (2) that in order for Production Group 2 mines to maintain a flow of railroad fuel to the Chicago, Rock Island and Pacific, permission to absorb up to 60 cents per ton on shipments to the Chicago, Rock Island and Pacific should be granted said mines, that since the evidence indicated that the Chicago, Rock Island and Pacific bought only railroad locomotive fuel the effective minimum price of which is $2.10 per ton, such relief should be restricted to such railroad locomotive fuel and that such relief should be extended to all mines in Production Group 2.

The Examiner recommended that the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck should be amended as follows:

(1) The Railroad Locomotive Fuel Schedule of § 335.8 (b) in said schedule should be modified by the following exception:

Exception: Mines located in Production Groups 1, 2, and 3 may absorb the actual published switching, division or local rate charge, not to exceed 60 cents per ton, on railroad locomotive fuel sold to the Chicago Great Western Railway: *Provided, however,* That such permissive absorption is limited to that railroad locomotive fuel of these Production Groups with an effective minimum price of $2.10 per ton.

(2) The Railroad Locomotive Fuel Schedule of § 335.8 (b) in said schedule should be further modified by adding the following exception:

Exception: Mines located in Production Group 2 may absorb the actual published switching, division or local rate charge not to exceed 60 cents per ton, on railroad locomotive fuel sold to the Chicago, Rock Island and Pacific Railway Company: *Provided, however,* That such permissive absorption is limited to that railroad locomotive fuel of Production Group 2 with an effective minimum price of $2.10 per ton.

(3) Price Instruction 11 (iv) § 335.1 (a) in said schedule should be modified to read as follows:

The maintenance of the delivered differentials as provided above shall be subject to the limitation that the maximum reduction of the schedule price shall not exceed 60 cents.

(4) The special price instruction in the schedule of delivered differentials, § 335.6 in said schedule should be modified to read as follows:

Schedule showing delivered differentials that may be maintained with base group coal by reducing the schedule of prices published herein, provided that the maximum reduction of the schedule prices shall not exceed 60 cents.

Thereafter on May 29, 1942, the Bituminous Coal Consumers' Counsel filed exceptions to the Examiner's Report. Consumers' Counsel took exception to the findings and conclusions of the Examiner in Docket No. A–56, that the price instructions (Price Instruction 11 (iv) and the special price instruction in § 335.6 in the District 15 rail schedule) should be amended to permit a 60-cent maximum reduction of the schedule price because it stated, the Examiner had failed to find that this 60-cent maximum reduction should be permissible only where the freight differential does not exceed 60 cents. Although the Consumers' Counsel agrees with Examiner that a certain amount of confusion has arisen with the present price instructions, it states that any clarifying amendment thereof should show that the 60 cents maximum absorption permissible is the absolute aggregate limit on all the absorptions allowed a particular mine, including the absorptions within and between production groups. Consumers' Counsel states that the schedule price already reflects freight rate differentials to a certain extent so that the Examiner's recommendation, if adopted, would permit certain mines whose adverse freight rate differential exceeds 60 cents to attain a freight absorption in excess of 60 cents. Consumers' Counsel contends that since District No. 15 is cross-hauling territory any extension of absorption privileges would tend to increase wasteful cross-hauling.

Price Instruction 11 (iv) appearing in § 335.1 (a) in Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck provides:

Price Instruction 11. Delivered Differentials:

(i) The f. o. b. mine prices listed herein may be adjusted in accordance with the Schedule of Delivered Differentials shown in § 335.6.

(ii) All delivered differentials shall be based upon the lowest freight origin group rate from the base production group, except that to destinations in the State of Missouri the lowest mileage, group or specific rate from a rail shipping mine, shall be used.

(iii) All similarly classified mines located in the same production group may effect equal delivered prices to all destinations.

(iv) *The maintenance of the delivered differentials as provided above shall be subject to the limitation that the maximum difference in freight rates between the mine in the base production group having the lowest freight rate, and any other mine, shall not exceed 60 cents.* [Italics supplied.]

The special price instruction appearing in the Schedule of Delivered Differentials appearing in § 235.6 in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck provides:

Schedule of Delivered Differentials. Schedule showing delivered differentials that may be maintained with base group coals by reducing schedule prices published herein: *Provided,* That the maximum difference in freight rates between the mine in the base production group having the lowest freight rate, and any other mine, shall not exceed sixty cents.

The delivered differentials here involved reflect primarily the difference in quality between District No. 15 coals. They are set up to reflect the market value of the District 15 coals at destination. The amendments proposed by the Examiner seek to reflect the original basis upon which the delivered differentials were established: that the absorption privilege should be made from the schedule price rather than from the transportation charges. I find that the amendments proposed by the Examiner in Docket No. A–56 to the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck reflect the basic principles upon which that schedule was established, and should be approved. I find further that such amendments clearly provide that the maximum reduction of the schedule price effected by the taking of delivered differentials shall not exceed 60 cents. Indeed, such reduction cannot amount to a freight absorption in excess of 60 cents since it reflects a difference in quality and not a difference in freight; in these circumstances a reduction of the 60 cents by some uncertain amount already thought to be reflected in the schedule price is inappropriate. Accordingly, I must deny Consumers' Counsel's exception to the Examiner's finding and recommendation concerning these amendments to the District 15 minimum price schedule.

In its brief before the Examiner, Consumers' Counsel suggested that the District 15 minimum price schedule be clarified or implemented to show definitely that only those mines having specific f. o. b. mine prices into a given market area in the price schedule be permitted to enjoy any absorption privilege. The witness Blucher stated at the hearing that District Board 15 had no objection to such a clarification. I find that the District 15 minimum price schedule should be further modified in line with the proposal of Consumers' Counsel.

Consumers' Counsel also excepts to the findings and conclusions of the Examiner in Docket A–59 that mines in Production Groups 1 to 3, inclusive, should be permitted a 60-cent maximum absorption on the sale of locomotive fuel priced $2.10 per ton to the Chicago Great West-

ern Railroad, and that mines in Production Group 2 should be permitted a 60-cent maximum absorption on sale of locomotive fuel priced $2.10 per ton to the Chicago, Rock Island and Pacific Railway. Consumers' Counsel contends that there is no justification for special treatment to an off-line mine by granting it an absorption privilege which results in lower realization to producers and higher prices to the consuming public at large. Consumers' Counsel also points out that the Examiner's recommended extension of the off-line absorption privilege to mines in Production Groups 1 to 3, inclusive, included mines which had not sold coal to these railroads in recent years.

It is true that the absorption privilege to off-line mines is to be granted with extreme caution. However, the record shows that the Chicago Great Western Railroad, which has no District 15 on-line mines, has purchased substantial tonnages of railroad fuel in the past from off-line mines in Production Groups 1 to 3, inclusive. Where evidence shows that certain mines have been able fairly to create a market for railroad fuel by off-line shipment and that such existing fair competitive opportunities can only be preserved by an absorption privilege, such privilege should be granted.

The evidence shows further that Mine Index Nos. 116 and 127 in Production Group 2 had been able to establish a market for their railroad fuel priced $2.10 per ton in the Chicago, Rock Island and Pacific because of the lack of sufficient supply from the District 15 mines on-line to that railroad. Since the evidence indicates that such markets can be preserved only by allowance of freight absorptions, I find that such freight absorptions should be granted. Although it is true that these markets had been created specifically by these two mines, I find that the absorption privilege should be allowed to all mines in the particular production group with an effective minimum price of $2.10 per ton as may find that they can sell railroad fuel to the particular railroad. The Bituminous Coal Act of 1937 does not recognize "existing fair competitive opportunities" as merely those marketing channels which have existed in the past. Where evidence indicates that a definite market of railroad fuel for certain off-line mines in a particular production group exists, there is no reason to restrict other mines in those production groups from taking the same privileges.

No other exceptions have been filed.

I have concluded that the proposed findings of fact and proposed conclusions of law of the Examiner, as modified should be approved and adopted as the findings of fact and conclusions of law of the undersigned and that the exceptions of the Bituminous Coal Consumers' Counsel should be overruled.

Now, therefore, it is ordered, That the exceptions of the Bituminous Coal Consumers' Counsel to the Examiner's Report be and they are hereby overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter, as modified, be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That § 335.8, (*Special prices*—(b) *Railroad locomotive fuel*), § 335.1 (*Price instructions and exceptions*—(a) *Price instructions*), and § 335.6 (*Schedule of delivered differentials*) in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck be, and they hereby are amended as follows:

(1) The Railroad Locomotive Fuel Schedule of § 335.8 (b) in said schedule be, and it hereby is, modified by the following exception:

Exception: Mines located in Production Groups 1, 2, and 3 may absorb the actual published switching, division or local rate charge, not to exceed 60 cents per ton, on railroad locomotive fuel sold to the Chicago Great Western Railway: *Provided, however,* That such permissive absorption is limited to that railroad locomotive fuel of these Production Groups with an effective minimum price of $2.10 per ton.

(2) The Railroad Locomotive Fuel Schedule of § 335.8 (b) in said schedule be, and it hereby is, further modified by adding the following exception:

Exception: Mines located in Production Group 2 may absorb the actual published switching, division or local rate charge not to exceed 60 cents per ton, on railroad locomotive fuel sold to the Chicago, Rock Island and Pacific Railway Company: *Provided, however,* That such permissive absorption is limited to that railroad locomotive fuel of Production Group 2 with an effective minimum price of $2.10 per ton.

(3) Price Instruction 11 (iv), § 335.1 (a) in said schedule be, and it hereby is, modified to read as follows:

The maintenance of the delivered differentials as provided above shall be subject to the limitation that the maximum reduction of the schedule price shall not exceed 60 cents, provided, that only those mines in the various production groups for which f. o. b. mine prices are listed into a given market area shall be permitted any absorption privileges. Those production groups not having listed f. o. b. mine prices into a specifically named market area shall be considered "unpriced coals".

(4) The special price instruction in the schedule of delivered differentials, § 335.6 in said schedule be, and it hereby is, modified to read as follows:

Schedule showing delivered differentials that may be maintained with base group coal by reducing the schedule of prices published herein, provided that the maximum reduction of the schedule prices shall not exceed 60 cents.

Dated: August 4, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

[F. R. Doc. 42-7591; Filed, August 5, 1942; 11:11 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. XIX]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations*[1] is amended in the following particulars:

In the column headed "Gen. Lic. Group", the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	*Gen. lic. group*
Woodworking, saw mill, and logging machinery and equipment (including only the following: borers, dowel machines, edgers, gluing equipment, grinders, jointers, kilns, lathes, matchers, mills, mortisers, moulders, routers, sanders, saws, shapers, surfacers, tenoners, trimmers, veneer and plywood machines; and all other machinery and equipment normally used in cutting, shaping, gluing finishing, or otherwise processing wood and wood products, except machinery used for painting, varnishing, lacquering and similar purposes	1, 47

This amendment shall become effective August 4, 1942.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief, Export Control Branch, Office of Exports.

AUGUST 4, 1942.

[F. R. Doc. 42-7575; Filed, August 5, 1942; 9:15 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1112—OFFICE MACHINERY

[General Conversion Order L-54-a, as amended to August 4, 1942]

TYPEWRITERS

Section 1112.2 *General Conversion Order L-54-a*[2] is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of typewriters for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1112.2 *Conversion Order L-54-a*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust,

[1] 7 F.R. 4952, 5080, 5115, 5343, 5591, 5638, 5745, 5746.

[2] 7 F.R. 2130, 2389, 2596, 2786, 4170, 4881.

corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person manufacturing typewriters, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said manufacturer.

(3) "Dealer" means any wholesaler, retailer or other distributor of typewriters, other than sales and distribution outlets controlled by a manufacturer.

(4) "Typewriter" unless expressly otherwise stated, means non-portable typewriters (including noiseless and electric types) and portable typewriters, and unless expressly otherwise stated, refers only to new typewriters. The term shall not include: billing machines, accounting principle, and collateral equipment; continuous forms handling machines, typewriter principle, having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; telegraphically controlled typewriters; braille typewriters; toy typewriters; linotype machines or monotype machines. The term "new typewriter" means any typewriter which has not been delivered to any person acquiring it for use, but does not include rebuilt typewriters. The term "used typewriter" means any typewriter which at any time has been delivered to any person acquiring it for use, and includes rebuilt typewriters.

(5) "Sets of parts" means typewriter parts fabricated at plants in the United States and shipped to foreign countries for assembly into typewriters.

(b) *General restrictions.* (1) On and after November 1, 1942, no manufacturer shall manufacture any non-portable typewriters or parts therefor, or sets of parts for non-portable typewriters, except as otherwise specifically provided in paragraph (c) (4) herein.

(2) On and after August 1, 1942, no manufacturer shall manufacture any portable typewriters, or parts therefor, or sets of parts for portable typewriters.

(3) No person shall hereafter sell, deliver, purchase, or receive delivery of any new or used typewriters in any manner other than as specifically authorized herein or from time to time hereafter by the Director General for Operations, or by any governmental agency authorized by the Chairman of the War Production Board to regulate the distribution of new or used typewriters.

(c) *Authorized production quotas*—(1) *Non-portable typewriters.* During the period from July 1, 1942, to October 31, 1942, except as otherwise provided in paragraph (c) (4) below, no manufacturer shall manufacture a number of non-portable typewriters or parts therefor (not including sets of parts for export) in excess of: 12.25 percent of the aggregate number of non-portable typewriters (not including parts therefor or sets of parts for export) billed to customers by such manufacturer during the calendar year 1941; plus the number of non-portable typewriters by which such manufacturer's quota for non-portable typewriters in the period from March 15, 1942, to June 30, 1942, exceeded the production of non-portable typewriters by such manufacturer during that period; or less the number of non-portable typewriters produced by such manufacturer in the period from March 15, 1942 to June 30, 1942, in excess of his authorized quota during that period, whether or not such excess production resulted from the granting of appeals by the War Production Board.

(2) *Portable typewriters.* During the period from July 1, 1942, to July 31, 1942, no manufacturer shall manufacture quantities of portable typewriters or parts therefor (not including sets of parts for export) in excess of 11 percent of the average monthly number of portable typewriters (not including parts therefor or sets of parts for export) billed to customers by such manufacturer during the calendar year 1941.

(3) *Sets of parts for export.* (i) During the period from July 1, 1942, to October 31, 1942, no manufacturer shall manufacture for export a number of sets of parts for non-portable typewriters in excess of 12.25 percent of the aggregate number of such sets of parts shipped for export from the factories of such manufacturer during the calendar year 1941.

(ii) During the period from July 1, 1942, to July 31, 1942, no manufacturer shall manufacture for export a number of sets of parts for portable typewriters in excess of 11 percent of the average monthly number of such sets of parts shipped for export from his factories during the calendar year 1941.

(iii) The right to produce and export any sets of parts mentioned in this paragraph (c) (3) shall not be construed to authorize the export of such sets unless export license can be secured. Any manufacturer who is unable to ascertain the physical quantity of sets of parts which he shipped from his factories during 1941 may produce for export: in the case of sets of parts for non-portable typewriters, a dollar value not in excess of 12.25 percent of the aggregate dollar value of such sets shipped for export from his factories during the calendar year 1941; and in the case of sets of parts for portable typewriters, a dollar value not in excess of 11 percent of the average monthly dollar value of such sets so shipped during 1941. The quantities of sets of parts for non-portable and portable typewriters so produced shall be over and above the production quotas for non-portable and portable typewriters. No manufacturer so producing and exporting sets of parts shall directly or indirectly import any typewriter into the United States.

(4) *Special quota.* Notwithstanding the restrictions on manufacture (but subject to the restrictions on delivery and distribution) imposed by this order, Woodstock Typewriter Company may manufacture, in the period from July 1, 1942, to June 30, 1944, not in excess of 22,701 non-portable typewriters, at a rate not in excess of 1,600 per month, or at such other rate as the Director General for Operations may prescribe from time to time. The Director General for Operations, may also direct, from time to time, the sizes, kinds, and types of non-portable typewriters which shall be produced by Woodstock Typewriter Company.

(5) *Distribution among models and types.* Except as otherwise provided by the Director General for Operations, no manufacturer shall produce a percentage of noiseless typewriters to total non-portable typewriter production in excess of the percentage which the quantity of noiseless typewriters billed to his customers in 1941 is of all non-portable typewriters billed to his customers in 1941. Manufacturers shall produce their production quotas of portable typewriters in accordance with specifications of the Army or Navy of the United States.

(d) *Manufacture and distribution of replacement parts.* The restrictions upon the production of portable and non-portable typewriters and parts therefor shall not be construed to limit the production of parts to be used to service and repair typewriters: *Provided, however,* That no manufacturer shall produce parts in excess of quantities required, under existing circumstances, to maintain a minimum practicable working inventory of such service and repair parts. No person servicing or repairing typewriters shall maintain a stock of such parts in excess of the minimum practicable working inventory, under existing circumstances.

(e) *Revocation of General Limitation Order L–54.*[2] General Limitation Order L–54, and all amendments thereto and interpretations thereof, are hereby revoked: *Provided, however,* That all deliveries expressly authorized thereunder by the Director of Industry Operations may be completed.

(f) *Distribution of typewriters by manufacturers.* Regardless of the terms of any contract of sale or purchase or other commitment, or any preference rating certificate or blanket preference order, no manufacturer shall distribute his production and stock of typewriters except upon authorization of the Director General for Operations.

(g) *Distribution of typewriters by persons other than manufacturers.* In accordance with the terms of Supplementary Directive 1D, stocks of new non-portable and portable typewriters now in the hands of dealers, and all imports of new typewriters, are made available to the Office of Price Administration for rationing; and no dealer shall deliver any such typewriters except in accordance with such rules, regulations and authorizations as may be issued by the Office of Price Administration: *Provided, however,* That any dealer, other than a manufacturer, may deliver new typewriters in stock to any manufacturer willing to accept the same. Such typewriters shall, however, remain subject to rationing rules, regulations and authorizations of the Office of Price Administration.

(h) *Persons entitled to receive new typewriters*—(1) *Persons other than United States agencies and exporters.* In accordance with the terms of Supplementary Directive 1D, persons other than agencies of the United States and other

[2] 7 F.R. 1755, 1794, 2130.

than persons acquiring new typewriters for export may purchase, accept, or otherwise receive delivery of new typewriters only as authorized by the Office of Price Administration.

(2) *Army and Navy.* Typewriters shall be delivered to the Army or Navy of the United States, including the War and Navy Departments, only upon authorization of the Director General for Operations.

(3) *Exporters*—(i) *Lend-lease.* No agency of the United States Government shall purchase, accept delivery of, or otherwise acquire, new typewriters to be delivered to or for the account of the government of any country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), except upon express authorization of the Director General for Operations. Manufacturers and dealers shall deliver new typewriters to any such agency upon the presentation of an authorization signed by the Director General for Operations. Any dealer may receive any new typewriter to fill any such order from any manufacturer producing such typewriters, and manfacturers shall deliver typewriters to such dealers upon the presentation of any such authorization.

(ii) *Other than lend-lease.* No governmental agency (other than as provided in paragraph (h) (3) (i) above) or other person shall purchase, accept delivery of, or otherwise receive new typewriters for export except upon express authorization of the Director General for Operations. Any such agency or person must first apply to the Office of Export Control, Board of Economic Warfare, Washington, D. C., for an Export License. If the Office of Export Control recommends that an Export License be issued to the applicant, the War Production Board will be notified, and an authorization, on Form PD–365, to acquire a new typewriter may be issued to the applicant or to a person designated by the Board of Economic Warfare for his account. Upon presentation of said Form PD–365, duly signed, any manufacturer or dealer is authorized to deliver a new typewriter. Any dealer may receive any typewriter to fill any such order from any manufacturer producing such typewriters and manufacturers shall deliver typewriters to dealers upon receipt of any such authorization on Form PD–365.

(4) *Other Government agencies.* Except as otherwise provided in subparagraphs (2) and (3) above, no agency of the United States, except the Procurement Division of the Treasury Department, may purchase new typewriters. Once each month the Director General for Operations shall expressly authorize said Procurement Division to acquire specific quantities and brands of new typewriters, and said Procurement Division shall disrtibute such new typewriters to such agencies of the United States Government (other than the Army, the Navy, and agencies acquiring new typewriters for export) and in such quantities, and brands, as the Director General for Operations shall authorize. Any such agency which believes it will require such new typewriters during any month shall file, on or before the 25th day of the month preceding, Form PD–366 with the Procurement Division of the Treasury Department, which shall forward all such forms to the Director General for Operations. The Director General for Operations shall thereupon authorize said Procurement Division to acquire and distribute such quantities of new typewriters as, in his opinion, shall be necessary or appropriate in the public interest and to promote the national defense. No such agency shall request a new typewriter unless, to the best of its knowledge, such typewriter and all other typewriters possessed by the agency will be actually employed during the succeeding month.

(k) *Appeals.* Any manufacturer affected by this order, who considers that compliance therewith would work an exception and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter directed to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Records.* All manufacturers and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of typewriters.

(m) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

(n) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board Services Branch, Washington, D. C. Ref.: L–54–a. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–7572; Filed, August 4, 1942; 4:26 p. m.]

PART 1143—RAZORS AND RAZOR BLADES

[Amendment 2 to General Limitation Order L–72]

Section 1143.1 *General Limitation Order L–72*[1] is hereby amended in the following particular:

Paragraph (b) is hereby amended by adding at the end thereof the following new subparagraph:

(5) During the period from August 1, 1942, to September 30, 1942, inclusive:

(i) No manufacturer shall produce safety razors in an amount greater than 61 times 70% of the daily average of units of such razors produced by him during the base period;

(ii) No manufacturer shall produce razor blades in an amount greater than 61 times 100% of the daily average of units of such razor blades produced by him during the base period;

(iii) No manufacturer shall produce straight razors in an amount greater than 61 times 100% of the daily average of units of such straight razors produced by him during the base period. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–7573; Filed, August 4, 1942; 4:26 p. m.]

[1] 7 F.R. 2297, 4778.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–71]

INTERNATIONAL APPLIANCE CORPORATION

International Appliance Corporation of Brooklyn, New York, is a manufacturer of household appliances. During the period of April 1 through May 12, 1942, the company used approximately 85 pounds of nickel for plating in the production of electrical appliances for the purpose of filling orders which did not bear preference ratings of A–10 or higher. During this period the company knew that the provisions of General Limitation Order L–65[1] prohibited the use of nickel for this purpose. Furthermore, despite the fact that the company had been advised by representatives of the War Production Board of the prohibitions against nickel plating provided for by General Limitation Order L–65, it continued such nickel plating in wilful disregard of the Order.

This violation of General Limitation Order L–65 has impeded and hampered the war effort of the United States by diverting nickel to uses unauthorized by the War Production Board. In view of the foregoing facts,

It is hereby ordered:

§ 1010.71 *Suspension Order S–71.* (a) Deliveries of material to International Appliance Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, and any other orders

[1] 7 F.R. 2465, 2732.

or regulations of the Director of Industry Operations, or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to International Appliance Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations, or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing shall be deemed to relieve International Appliance Corporation, its successors and assigns, from any restriction, prohibition or provisions contained in any other order or regulation of the Director of Industry Operations, or the Director General for Operations.

(d) This order shall take effect on August 6, 1942, and expire on October 6, 1942, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7574; Filed, August 4, 1942; 4:26 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Amendment 12 to Supplementary Order M-15-b]

Section 940.3 *Supplementary Order M-15-b*[1] is hereby amended as follows:

1. By changing the period at the end of paragraph (a) (4) (ii) (*a*) thereof to a comma and inserting immediately thereafter the following:

* * * but not to or for the account of any post exchange, ship's store, commissary, officer's mess, officers', noncommissioned officers' or enlisted men's club, or any similar agency or organization.

2. By inserting in paragraph (a) thereof the following additional subparagraphs (9), (10), (11), (12), (13), (14), (15), (16) and (17).

(9) "Scrap rubber product" means any finished rubber product or part thereof, made in whole or in part from rubber, latex, synthetic rubber or reclaimed rubber, which through wear, deterioration or obsolescence has served its primary purpose in its present state, but does not include a repairable tire, treadable tire or any other manufactured product which is still usable for the primary purpose for which it was designed.

(10) "In-process scrap" means any material which is produced in the course of manufacture (including the repair, retreading or recapping of tires) and defective or factory rejected material or products containing any rubber, latex, synthetic rubber, or reclaimed rubber, including all types and grades of residues, such as cuttings, trimmings, tuber heads, flash, cut edgings, sweepings, dust, buffings, sawings, grindings, drippings and any other form of rubber whether vulcanized or unvulcanized, which results from or is incident to the processing of rubber, latex, synthetic rubber or reclaimed rubber in the manufacture or repair of any product, but does not include uncured friction scrap.

(11) "Uncured friction scrap" means in-process scrap which contains fabric and which is produced in the manufacture of tires, hose or belting before such products are finally vulcanized.

(12) "Scrap rubber" means and includes any scrap rubber product, in-process scrap or uncured friction scrap.

(13) "Reclaimed rubber" means any vulcanizable material derived from the processing or treatment of scrap rubber.

(14) "Repairable tire" means a pneumatic tire or tire casing which has sufficient tread design or under tread to warrant repair for use for the purpose for which it was primarily designed. For the purposes of this definition:

(i) "Repair" means a vulcanized sectional repair, or vulcanized reinforcement or vulcanized spot repair accomplished in accordance with recognized commercial practice and that can be reasonably expected to render satisfactory service under limited operating conditions (speed under 40 MPH and no overload) so that the tire when repaired will be in a safe condition for service.

(ii) The tread and sidewall must not be severely weather checked or cracked to the extent that the tire has more than two radial cracks that extend through the cord body.

(iii) The cord body:

(*a*) Must not have separation between plies.

(*b*) Must not be damaged by running flat to the extent that cords are pulled loose beyond the first inside ply.

(*c*) Must not have any fabric injuries that exceed one-half the cross-sectional diameter of the tire. Example—Injuries in 600/16 (6 inch) tires must not be more than three inches long on the inside of the tire; in 10.00/20 tires not more than five inches.

(*d*) Must not have or show evidence of having had more than three injuries requiring sectional repairs.

(*e*) Must not have injuries below the point where the top of the rim flange contacts the tire.

(*f*) Must not have or exhibit circumferential or flex breaks on the inside ply.

(*g*) Bead area must be sound with no broken wires.

(15) "Treadable tire" means a pneumatic tire or tire casing which warrants repair and retreading or recapping for the purpose for which it was primarily designed in accordance with recognized commercial practice, and which can reasonably be expected to render satisfactory service under limited operating conditions (speed under 40 MPH and no overload). For the purpose of this definition:

(i) The cord body:

(*a*) Must not be worn through more than one body ply for a total length of more than four inches on 4 ply tires.

(*b*) Must not be worn through more than two plies for more than four inches on tires of six plies or more.

(*c*) Must not have or show evidence of having had more than two injuries each not exceeding one-third the cross-sectional diameter of the tire. Example—Breaks in 600/16 (6 inch) tire must not be more than two (2) inches long on the inside of the tire: 900/20 (9 inch) tires not more than three (3) inches long.

(*d*) Must not have more than three (3) radial cracks of more than one inch in length extending to the cord body.

(ii) The tire must in all other respects than herein specified, conform to the requirements of a repairable tire.

(16) "Scrap consumer" means any person who consumes scrap rubber in the manufacture of any finished or partly finished product or material, and includes any person producing reclaimed rubber from scrap rubber, but does not include any person who separates scrap rubber or tears, splits or pulls scrap rubber apart (such as splitting tires) for the purpose of selling the component parts thereof to Rubber Reserve Company or to a scrap dealer.

(17) "Scrap dealer" means any person (other than a scrap consumer) buying, selling or collecting scrap rubber.

3. By changing paragraph (e) thereof to read as follows:

(e) *General restriction on the sale of rubber, latex, reclaimed rubber and balata.* No person shall sell, trade or transfer the ownership of any rubber, latex, reclaimed rubber or balata, and no person shall accept any such sale, trade or transfer of ownership, except (1) as expressly permitted by regulations prescribed by Rubber Reserve Company, or (2) in those cases in which special authorizations may be issued by the Director General for Operations: *Provided,* That nothing in this paragraph shall be deemed to prohibit the sale of unvulcanized rubber products or products made from balata which were in finished or marketable form on December 11, 1941, or which have become finished and marketable at any time after that date pursuant to processing not prohibited by any orders or other instructions issued by the Office of Production Management or the Director General for Operations.

4. By changing paragraph (n) thereof to read as follows:

(n) *General limitations on the destruction of rubber articles.* No person shall, unless expressly permitted by the Director General for Operations, destroy, damage, cut or tear apart any scrap rubber, whether by burning or any other means and whether for the purpose of making or repairing products or ma-

[1] 6 F.R. 6406, 6644, 6792; 7 F.R. 511, 1106, 1634, 2229, 2459, 2782, 3080, 4614, 5747, 5748.

terials from all or any of its constituent parts, except in the following cases:

(1) The consumption of any such article in the manufacture of any product for which rubber, latex, reclaimed rubber or scrap rubber may be consumed under the provisions of this order or under special authorization of the Director General for Operations, but subject to such limitations as to quantities, specifications and other restrictions as may be imposed by this order or such special authorization.

(2) The consumption of any scrap rubber by any person producing reclaimed rubber as a necessary incident to such reclaiming operations.

(3) The destruction of any scrap rubber (without destroying the rubber therein) for the purpose of selling its component parts to a scrap dealer for resale by him either (i) to Rubber Reserve Company, or (ii) under rules or regulations prescribed from time to time by Rubber Reserve Company.

(4) The destruction of the following articles when through obsolescence, use or deterioration the article has entirely served its usefulness in its present state:

(i) Used battery containers and separators and parts thereof.

(ii) Rough bore (metal reinforced) oil suction and discharge hose and hose containing asbestos combined with rubber.

(iii) Wire cord generally classed as lamp cord and similar wire cords (but not other insulated wire or rubber covered cable).

(iv) That part of rubber bonded to metal which cannot be separated from the metal by mechanical means.

5. By inserting immediately after paragraph (q) thereof the following new paragraphs designated (r) and (s).

(r) *General restrictions on regrooving tires.* No person shall, without prior written authority from the Director General for Operations, regroove the tread or tread surface of any tire or tire casing, whether by cutting, scraping, grinding, burning, or any other means.

(s) *General restrictions on the purchase and sale of rubber scrap.* Except (i) as expressly permitted by regulations prescribed by Rubber Reserve Company, or (ii) in those cases in which specific authorizations may be issued by the Director General for Operations:

(1) No person other than Rubber Reserve Company shall sell, trade or transfer the ownership or possession of any scrap rubber to any scrap consumer.

(2) No scrap consumer shall purchase, receive or accept delivery of any scrap rubber, or the right to receive any scrap rubber, from any person other than Rubber Reserve Company.

(3) No scrap consumer shall sell, trade or transfer the ownership or possession of any scrap rubber to any person, including any scrap dealer.

Provided, That the prohibitions of this paragraph (s) shall not apply to any purchase or sale of scrap rubber by any corporation from or to another corporation which is its subsidiary or of which it is a subsidiary. For the purposes hereof a corporation shall be deemed to be a subsidiary of another corporation if all or substantially all of its voting stock is owned by such other corporation.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7597; Filed, August 5, 1942; 11:33 a. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Amendment 11 to Supplementary Order M-15-b-1]

Section 940.5 *Supplementary Order M-15-b-1*[1] is amended as follows:

1. By changing paragraph (b) (2) thereof to read as follows:

(2) Soles and heels, List 2.

2. By attaching thereto the attached list designated "List 2 (Revised effective August 5, 1942)".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

LIST 2

(Revised effective August 5, 1942)

SPECIFICATIONS FOR THE MANUFACTURE OF SOLES AND HEELS

These specifications set forth in this revised List 2 shall apply to the manufacture of soles, taps, heels and heel bases to fill all orders, including war orders and orders placed by any department or agency of the government of the United States. However, these specifications do not apply to conductive soles and heels.

(a) *Compounds*

(1) HEELS

Compound grade	Maximum percent by volume: Crude rubber	Total RHC	Uncured friction scrap	Abrasive index	P & J hardness: Maximum	Minimum
HC	0	55	0	25	*.80 mm.	.50 mm.
HD	0	50	0	20	.80 mm.	.50 mm.
HE	0	45	0	15	.80 mm.	.50 mm.
HF	0	45	0	10	.80 mm.	.50 mm.
HL	0	45	10	26		

(2) SOLES AND TAPS

HL	0	45	10	26		
HM	0	55	0	20	*.53 mm.	.42 mm.

*For reference only, the following equivalent Shore durometer hardness figures, which are approximately equivalent, are given for the Pusey and Jones (P&J) hardness figures, designated in the table above.
P & J .80 mm. to .50 mm. equivalent to 65 to 80 Shore.
P & J .53 mm. to .42 mm. equivalent to 75 to 82 Shore.

NOTE 1: For all heels, soles and taps manufactured from above compounds a minus tolerance of two points from the specified abrasive index requirement is permitted with an unlimited plus tolerance.

NOTE 2: The total rubber hydrocarbon (RHC) is the sum total of crude rubber and the average rubber value of reclaimed rubber expressed on a volume basis. For Grade HL compound the RHC of the uncured cord friction scrap is not included in the total.

NOTE 3: Reclaimed rubber of a quality better than first quality whole tire grade is not permitted to be used in any of these compounds.

NOTE 4: Only reclaimed rubber of a quality lower than whole tire grade is permitted in Grade HF compound, and this material shall not contain any reclaimed rubber derived from pneumatic or solid tires, tubes, floating scrap or any part thereof. All heels made of HF compound shall have a minimum tensile of 400 p. s. i. with a minimum elongation of 150% in addition to meeting other requirements set forth for such heels in subdivision (a) (1) of this revised List 2.

NOTE 5: Black is the only color permitted in heels, soles and taps.

NOTE 6: Not less than 3% of suitable antioxidants by weight based on the total weight of rubber hydrocarbon (RHC) shall be used in the above sole and tap compounds, HL and HM; one third of which shall be of a recognized flex resisting type.

NOTE 7: In grade HL sole, tap and heel compound clean cut cotton cords or cords from tire carcasses may be added to meet the necessary physical requirements for a corded sole or heel.

NOTE 8: The methods of Federal Specification EA-ZZH141 and ZZ R601 shall be applicable to these specifications.

(b) *Heels and heel bases*

1. Corded heels, either transverse or cord on end, shall be made only from Grade HL compound, and shall be used only to fill war orders.

2. Grade HC heel is limited to the types of heels using an inert core, and is permitted for use on war orders only.

For whole heels a core of 0.366" ± .03" thickness shall be used, while for half heels a core of 0.183" ± .015" thickness shall be used.

3. Grade HD heel is limited to the regular washer well type, and is permitted for use on war orders only.

[1] 7 F.R. 967, 2344, 2346, 2449, 2595, 2782, 3389, 4448, 5019, 5296, 5592, 5603, 5748.

4. For "Steel Plate" heel only compound Grade HE or HF may be used, with the tensile, elongation and abrasive index requirements waived and the hardness shall be between .18 mm and .40 mm.

5. For heel bases only Grade HF compound shall be used with the tensile, elongation and abrasive index requirements waived and the hardness shall be between .18 mm and .40 mm.

6. All heels except those to fill war orders shall be made of Grade HE or Grade HF compounds only. The use of compound grade HE after August 15, 1942, is prohibited.

(c) *Soles and taps*

1. Composition soles and taps shall be made only from Grade HM compound, which shall be used to fill all orders, including war orders and orders placed by any other department or agency of the United States Government.

2. Corde soles and taps, either transverse or cord on end, shall be made from Grade HL compound only, and shall be used only on orders for utility shoes or for war orders and orders placed by any other department or agency of the United States Government.

3. A cord sole compound containing not more than 20% by volume of uncured friction scrap may be used up to (but not including) October 1, 1942, to fill purchase orders for soles and taps placed by or for the account of the United States Marine Corps, or for soles and taps to be incorporated physically in service shoes to be delivered to or for the account of the United States Marine Corps.

[F. R. Doc. 42-7593; Filed, August 5, 1942; 11:32 a. m.]

PART 998—METAL OFFICE FURNITURE AND EQUIPMENT

[Supplementary Limitation Order L-13-a, as Amended August 5, 1942]

Section 998.2 *Supplementary Limitation Order L-13-a*[1] is hereby amended to read as follows:

§ 998.2 *Supplementary Limitation Order L-13-a*—(a) *Definitions.* For the purposes of this order:

(1) "Steel Used" means:

(i) The aggregate weight of steel cut or processed by any manufacturer subject to this order for use in the production of Metal office furniture and equipment, plus

(ii) The aggregate weight of steel contained in purchased parts when such parts are put into the production of metal office furniture and equipment.

(2) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation, or agency, or any other organized group of persons, whether incorporated or not, engaged in the production of Group I or Group II Product.

(3) "Group I Product" means any one of the following: Insulated metal filing cabinets; safes; metal visible record equipment; metal shelving.

(4) "Group II Product" means any one of the following: metal filing cabinets other than insulated filing cabinets; metal lockers; metal storage cabinets; metal desks; office chairs containing more than two pounds of metal other than swivel irons; metal office tables, including typewriter and office machine stands (except those which are integral parts of the machines which they support); metal bank vault equipment; metal office counters; other metal office equipment, including, but not limited to, waste paper baskets, metal trays and wire baskets; any other office furniture not specifically mentioned in Group I products above, containing more than 5% of metal in the net weight of the finished product other than such minimum amount of iron or steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets, and other joining hardware for the construction and assembly of non-metal structural parts, and other than wood filing cabinets containing not more than 2 pounds per drawer of essential operating steel hardware.

(b) *General restrictions.* (1) After May 31, 1942, no manufacturer shall process, fabricate, work on or assemble any materials for use in the production of any Group II Product, nor shall any Manufacturer manufacture or assemble any Group II Product, except

(i) Any Group II Product the manufacture or assembly of which was specifically authorized by the Director of Industry Operations, or by the Director General for Operations prior to August 5, 1942, by the granting of an appeal or otherwise, or

(ii) Pursuant to the specific authorization of the Director General for Operations, or

(iii) Orders for metal desks, lockers and chairs to be delivered to the Army, Navy or Maritime Commission of the United States for use on board combatant vessels or troopships, which were accepted by manufacturers prior to August 5, 1942, may be processed, fabricated, worked on or assembled up to November 15, 1942, provided that such metal desks, lockers and chairs are delivered prior to November 15, 1942.

(2) On and after August 5, 1942, no manufacturer shall process, fabricate, work on or assemble any materials for use in the production of any Group I Product, nor shall any manufacturer manufacture or assemble any Group I Product, except

(i) Any Group I Product, the manufacture or assembly of which was specifically authorized by the Director of Industry Operations, or by the Director General for Operations prior to August 5, 1942, by the granting of an appeal or otherwise, or

(ii) Pursuant to the specific authorization of the Director General for Operations, or

(iii) Orders for any metal shelving which were accepted by manufacturers prior to July 1, 1942, and all the parts of which had been sheared to size prior to July 15, 1942, so that such parts cannot be used for any shelving orders other than the shelving orders for which they were sheared, may be processed, fabricated, worked on or assembled up to August 31, 1942, provided that any such metal shelving is delivered prior to August 31, 1942, and further provided that such orders were placed by the Army or Navy of the United States, the United States Maritime Commission, or bore preference ratings of higher than A-2, or

(iv) Orders for any insulated metal filing cabinet or metal visible record equipment with preference ratings of higher than A-2, or placed by the Army or Navy of the United States or the United States Maritime Commission, which were accepted by manufacturers prior to August 5, 1942, may be processed, fabricated, worked on or assembled up to November 1, 1942, provided that any such insulated metal filing cabinet or metal visible record equipment is delivered prior to November 1, 1942, or

(v) Orders for any safes with preference ratings of higher than A-2, or placed by the Army or Navy of the United States or the United States Maritime Commission, which were accepted by manufacturers prior to August 5, 1942, may be processed, fabricated, worked on or assembled.

(c) *Prohibition of transactions in Group I or Group II Products.* On and after August 5, 1942, no manufacturer shall sell, lease, trade, lend, deliver, ship or transfer any Group I or Group II Product produced by him after April 1, 1942, except

(1) To the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, or

(2) Orders for any Group I or Group II Product with preference ratings of higher than A-2, which were accepted by manufacturers prior to August 5, 1942, or

(3) Any Group I or Group II Product, the production of which is specifically authorized by the Director General for Operations after August 5, 1942, pursuant to paragraphs (b) (1) (ii) or (b) (2) (ii) of this Order, or

(4) Pursuant to the specific authorization of the Director General for Operations on Form PD-423.

(d) *Communications.* All communications concerning this order shall be addressed to the War Production Board, Washington, D. C., Ref: L-13-a.

(e) *Appeals.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7594; Filed, August 5, 1942; 11:32 a. m.]

[1] 7 F.R. 2536, 2966, 4167, 5020, 5461.

PART 1063—MERCURY

[Conservation Order M–78, as Amended August 5, 1942]

Section 1063.1 *Conservation Order M–78*[1] is hereby amended to read as follows:

§ 1063.1 *Conservation Order M–78*—(a) *Definitions.* For the purpose of this order:

(1) "Mercury" means:

(i) Metallic mercury (quicksilver) of any quality and from whatever source derived, and

(ii) Any mercury-containing chemical compound, salt, or mixture.

(2) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(3) "Manufacture" means to amalgamate, assemble, mix, compound, redistill, or process in any other way, but does not include installation or sale of a completely finished product for the ultimate consumer.

(4) "Item" means any article or any component part thereof.

(5) "Use" means and includes (i) the act of amalgamating, mixing, compounding, redistilling, or processing mercury,

(ii) the act of putting mercury into any item, and

(iii) the act of manufacturing any item containing mercury,

(Where a person is limited to a percentage of mercury used in a base period, this limitation applies respectively to (i), (ii), and (iii) above. Each limitation must be applied separately.)

(6) "Base period" means at the option of the manufacturer either (i) the corresponding quarterly period in 1940, or (ii) the first calendar quarter in 1941, provided that the same option shall be used throughout the calendar year.

(b) *Prohibition on use of mercury in items and processes appearing on List A.* No mercury shall be used in the manufacture of any item or in any manufacturing process on List A.

(c) *Restriction on use of mercury in items and processes on List B.* Any person using mercury in the manufacture of any item or in any manufacturing process on List B shall limit his use of mercury in the manufacture of any such item or in any such manufacturing process during each calendar quarter to the percentage of such use in the base period indicated opposite such item or such manufacturing process on List B.

(d) *Limitation on other uses of mercury.* Any person using mercury in the manufacture of any item or in any manufacturing process not covered by paragraph (b), (c), or (e) of this order shall limit his use of mercury in the manufacture of any such item or in any such manufacturing process during each calendar quarter to 80 per cent of his use of mercury in the manufacture of such item or in such manufacturing process in the base period.

[1] 7 F.R. 519.

(e) *General exception.* The prohibitions and restrictions contained in paragraphs (b), (c), and (d) shall not apply to the use of mercury:

(1) In the manufacturing of any item for delivery under, or in any manufacturing process pursuant to, a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration and its operating or general agents, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of mercury to the extent employed is required by the specifications of the prime contract; or

(2) To comply with Underwriters Regulations or Safety Regulations issued under governmental authority, provided that pertinent provisions of such regulations were, in either case, in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of mercury to the extent employed; or

(3) In the manufacture of any item for delivery under, or in any manufacturing process pursuant to, an order bearing a preference rating of A–1–j or higher; or

(4) In the manufacture of marine anti-fouling paint for use on ships flying the flag of the other American Republics, or on ships flying the flag of any foreign country entitled to the benefits of the said Lend-Lease Act; or

(5) In the manufacture of any item for delivery to any laboratory provided that such item is to be used only for research, educational, analytical, or testing purposes; or

(6) In the maintenance and repair of industrial control equipment.

(f) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver mercury to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(g) *Limitation of inventories.* No manufacturer shall receive delivery of mercury (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of mercury products by this order.

(h) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of mercury conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items hereafter manufactured irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Industry Operations or the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of mercury in the production of any item, the limitations of such other order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C., Ref.: M–78.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 FR. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

LIST A OF ORDER M–78

Carroting of hat fur.
Fireworks.
Marine anti-fouling paint.
Preparations for film developing.
Thermometers (except industrial and scientific).
Treating of green lumber (except Sitka Spruce).
Turf fungicides.

Vermilion.
Wall switches for non-industrial use.
Wood preservation.

LIST B OF ORDER M-78

	Percent
Fluorescent lamps	100
Health supplies (as defined in Preference Rating Order P-29, as the same may be amended)	100
Mercuric Fulminate for commercial blasting caps	125
Mercuric Fulminate for ammunition	100
Thermometers (industrial and scientific)	100
Cosmetics or any preparation designed for bleaching the skin or removal of freckles	30

[F. R. Doc. 42-7596; Filed, August 5, 1942; 11:33 a. m.]

PART 1164—RUBBER SEALED CLOSURES FOR GLASS CONTAINERS

[Amendment 1 to Conservation Order M-119]

Section 1164.1 *Conservation Order M-119*[1] is hereby amended in the following particulars:

1. Paragraph (c) is amended to read as follows:

(c) *Restrictions upon purchase, acceptance of delivery, and use.* (1) No person shall buy, accept delivery of or use any rubber sealed closures for sealing glass containers which shall be packed with any product listed upon Table I annexed to this order, or any other product which the Director General for Operations may hereafter designate from time to time by supplementary order.

(2) Nothing in this order shall prevent the use of rubber sealed closures in connection with the packing of any product listed upon Table I of this order provided that, on or before April 19, 1942, such closures were completely manufactured and in the hands of the user, and such user does not, in the ordinary course of his business, pack any products not listed on Table I of this order.

(3) Nothing in this order shall prevent the sale, delivery, purchase, acceptance of delivery or use of rubber sealed closures in connection with the packing of any product listed upon Table I of this order, provided that such closures were completely manufactured on or before April 19, 1942, and cannot be used for the packing of a product not listed on Table I of this order because of special formula or because lithographing or printing upon the closure would result in the misbranding of the product so packed.

(4) The provisions of subparagraphs (2) and (3) of this paragraph (c) shall apply with full force and effect to the use of rubber sealed closures in connection with the packing of home style processed pickles, except that the applicable date set forth in the said subparagraphs shall be the date of issuance of this amendment rather than April 19, 1942.

(b) Table I is amended in the following respect:

The item "pickles, except home style processed" is amended to read "pickles, including home style processed".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7598; Filed, August 5, 1942; 11:32 a. m.]

[1] 7 F.R. 2734.

PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

[Amendment 1 to Schedule III to Limitation Order L-120]

FINE WRITING PAPERS

Section 1223.4 *Schedule III to Limitation Order L-120*[1] is hereby amended by:

1. Changing item (iii) of caption "Chemical Wood Pulp mimeograph paper"[2] to read as follows:

(iii) *Substance weights* (per 500 sheets 17 x 22): 16, 18 and 20.

2. Changing item (iii) of caption "Groundwood content mimeograph paper"[3] to read as follows:

(iii) *Substance weights* (per 500 sheets 17 x 22): 16, 18 and 20.

3. Adding to the exceptions contained in item (vii) of caption "Rag Content Ledger Paper"[4] the following:

(3) *Extra 100% rag content.* Unrestricted in any respect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7595; Filed, August 5, 1942; 11:33 a. m.]

[1] 7 F.R. 5124, 5216.
[2] 7 F.R. 5219.
[3] 7 F.R. 5222.
[4] 7 F.R. 5217.

PART 3020—HEAT EXCHANGERS

[General Limitation Order L-172]

The fulfillment of requirements for the defense of the United States has created a shortage in the production of heat exchangers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3020.1 *General Limitation Order L-172*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, and includes the Army and Navy of the United States.

(2) "Manufacturer" means any person who constructs or manufactures critical heat exchangers to the extent that he is engaged in such construction or manufacture, and shall include sales and distribution outlets and agencies controlled by said manufacturer.

(3) "Critical heat exchanger" means any new equipment or apparatus (or any important component part thereof), other than direct fired, or direct contact involving physical mixing of the fluids, designed for the transference or exchange of heat between two or more fluids (liquids, gases or vapors), of the following types, descriptions, or classifications:

(i) A bundle or nest of bare tubes (⅝ inch outside diameter or greater) installed in or designed for installation in a shell or pressure vessel having a nominal inside diameter of twelve inches or over.

(ii) A bundle or nest of bare tubes (any tube diameter) installed in or designed for installation in a new shell or pressure vessel which must be bored on the inside, and having a nominal inside shell diameter of twelve inches or over.

(iii) Any heat exchanger for the use of the Army, Navy, Maritime Commission, or War Shipping Administration.

(iv) Any heat exchanger not described in (i), (ii) or (iii) for the use in conjunction with other equipment described in (i), (ii), or (iii) above.

(b) *Restrictions upon placing of orders.* No person shall place an order for the manufacture of a critical heat exchanger unless such order is accompanied by the authorization of the Director General for Operations on Form PD-615A. Orders so authorized shall be placed only with the supplier specified on the Form PD-615A. Any person desiring an authorization on Form PD-615A to enable him to purchase critical heat exchangers shall file an application therefor with the Director General for Operations on Form PD-615 in duplicate.

(c) *Restrictions on acceptance of orders or delivery by manufacturers.* (1) No manufacturer shall accept any order for a critical heat exchanger unless such order is accompanied by an authorization of the Director General for Operations on Form PD-615A, permitting the placing of such order with such manufacturer.

(2) Regardless of the terms of any preference rating certificate or blanket preference rating order, or of any rule or regulation applicable thereto, any manufacturer with whom an order is placed as authorized by the Director General for Operations on Form PD-615A must accept the same, unless the

person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. No manufacturer shall discriminate against such orders in establishing such prices or terms.

(3) After 15 days following the day of issuance of this order, regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating certificate or blanket preference rating order, no manufacturer shall deliver, or otherwise transfer, any critical heat exchanger unless authorized by the Director General for Operations to make such delivery or transfer, as provided in paragraph (d) hereof.

(d) *Filing by manufacturers of production and delivery schedules—Authorization for deliveries.* (1) On or before 15 days following the date of issuance of this order, every manufacturer shall file a statement, in quadruplicate showing:

(i) All orders for critical heat exchangers on hand on the date of this order, together with a brief description (including square footage, dollar value, use, and extent of completion) of the critical heat exchangers covered by each order, and the proposed date of delivery of each such heat exchanger.

(ii) The names of the proposed purchasers of each such heat exchanger and the customer's and manufacturer's order numbers applicable thereto.

(iii) Preference rating certificate number and the rating assigned to each such order.

The delivery of all critical heat exchangers listed on such statement as scheduled for delivery on or before August 31, 1942, shall be deemed to be authorized upon receipt of such statement by the War Production Board, unless the Director General for Operations shall direct otherwise. The Director General for Operations may, at any time, revoke such delivery authorization as to any or all critical heat exchangers so listed, direct or change the schedule of deliveries or production, allocate any order so listed to any other manufacturer, or direct the delivery of any such heat exchanger to any other person, at the established price and terms. No manufacturer shall change the schedule of deliveries or production as shown on such statement or as directed or changed by the Director General for Operations, without specific authorization of the Director General for Operations.

(2) On or before August 25, 1942, and on or before the 25th day of each succeeding calendar month, every manufacturer shall file, in quadruplicate, a report on Form PD-615B showing his production and delivery schedule for the calendar month immediately following such filing. The delivery of all critical heat exchangers shown on such schedule as proposed to be made in the calendar month following the date of filing shall be deemed to be authorized by the Director General for Operations upon the receipt of such Form PD-615B by the War Production Board, unless the Director General for Operations shall otherwise direct. The Director General for Operations may, at any time, revoke such authorization as to any or all critical heat exchangers so listed for delivery, direct or change the schedule of deliveries or production, allocate any order listed on said form to any other manufacturer, or direct the delivery of any critical heat exchanger to any other person, at the established price and terms. No manufacturer shall change the schedule of deliveries or production as listed on said form, or as directed or changed by the Director General for Operations.

(e) *30 Day exemption of Army, Navy, and Maritime Commission.* Until 30 days after the date of issuance of this order the provisions of this order shall not apply to orders for any critical heat exchanger by and for the use of the Army, Navy, Maritime Commission or War Shipping Administration. As used in this paragraph the terms "Army", "Navy", "Maritime Commission" and "War Shipping Administration", shall not include any privately operated plant or shipyard financed by or controlled by any of those organizations, or operated on a cost plus fixed fee basis.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: General Industrial Equipment Branch, War Production Board, Ref: L-172.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(i) *Records and reports.* All manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for critical heat exchangers.

All manufacturers affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the War Production Board shall from time to time request. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7600; Filed, August 5, 1942; 11:33 a. m.]

PART 3023—OIL AND GAS BURNING DOMESTIC SPACE HEATERS

[General Limitation Order L-173]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3023.1 *General Limitation Order L-173*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic space heaters" means any device (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts as integral parts of such heating devices, and includes but is not limited to circulating heaters, radiant heaters, direct fired gas unit heaters, floor furnaces and wall furnaces.

(2) "Fuel Oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oils and any other liquid petroleum product used for the same purpose as the above designated grades.

(b) *General restrictions.* No person shall produce, fabricate or assemble any domestic space heaters using fuel oil or gas as fuel, except that subject to the provisions of Supplementary General Limitation Order L-23-c [1] and other applicable orders, any person may manufacture domestic space heaters using fuel oil or gas as fuel under contracts or orders placed for delivery to, or for the account of, the Army or Navy of the United States, the United States Coast Guard, the United States Maritime Commission or the War Shipping Administration.

(c) *Replacement parts.* Nothing in this order shall be construed to prohibit or limit the production, by any manufacturer, of replacement parts for domestic space heaters using fuel oil or gas as fuel.

(d) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General

[1] 7 F.R. 3570, 5119, 5556.

for Operations may thereupon take such action as he deems appropriate.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(g) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(h) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Branch, Washington, D. C., Ref: L-173. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7599; Filed, August 5, 1942; 11:32 a. m.]

PART 1072—SOLE LEATHER

[General Preference Order M-80, As Amended to August 5, 1942]

Section 1072.1 *General Preference Order M-80* is hereby amended to read as follows:

§ 1072.1 *General Preference Order M-80*—(a) *Definitions.* For the purposes of this order:

(1) "Sole leather" means any vegetable tanned sole leather.

(2) "Cut outer soles of military weight and quality" means soles of 8½ iron and up of fine, semifine, imperfect fine and No. 1 Scratch grades or as otherwise required by the applicable specifications for "military shoes," cut out of manufacturers' leather.

(3) "Cut inner soles of military weight and quality" means soles of 5½ to 7 iron first quality full grain leather, with strong fiber of quality adapted to the purpose.

(4) "Finders cut stock of military weight and quality" means full soles, half soles, strips or repair taps of 9 iron and up cut from vegetable tanned sole leather, commercially described as finders leather and which are of prime and fine fiber of a grade not lower than "No. 1 scratch," but shall not include finders cut stock having slaughter cuts, brands, loose flesh, or cracky grain.

(5) "Whole stock" means sole leather sides, backs, bends, crops, strips, shoulders, bellies and belly centers.

(6) "Bend" means the bend portion of full grain sole leather, or that part of a full grain side of sole leather with the exception of the head, shoulder and belly.

(7) "Finders bend" means a bend commercially known as finders leather.

(8) "Manufacturers bend" means a bend commercially known as manufacturers type, or factory type, or manufacturers leather, or factory leather.

(9) "Reserved military cut stock" means all cut outer and inner soles and finders cut stock of military weight and quality, set aside pursuant to paragraphs (c) (1) and (c) (2) of this order and, in addition, all other manufacturers type cut outer and inner soles of military weight and quality on hand April 4, 1942, or thereafter, in sole cutters' stocks or in the stocks of any other person, which were cut on any patterns which will fit the Army, Navy and Marine Corps lasts: *Provided, however,* That the term shall not include any cut soles certified by the Commanding Officer, Boston Quartermaster Depot, Boston, Massachusetts, as not suitable for military use.

(10) "Non-military quality stock" means

(a) In the case of finders sole leather, any piece of finders sole leather from which no tap of military weight and quality can be obtained by any person.

(b) In the case of manufacturers sole leather, any piece of manufacturers sole leather from which no sole of military weight and quality can be obtained by any person.

(11) "Non-military quality repair stock" includes only strips, blocks, taps or top lifts, all of non-military quality stock.

(12) "Sole cutters" means all persons who produce cut soles, cut outer soles, cut inner soles, blocks, strips, and repair taps from sole leather, and shall include independent cutters, tanner cutters, packer-tanner cutters, shoe manufacturer cutters and tanner-shoe manufacture cutters.

(13) "Cutter for the repair trade" means any sole cutter who is equipped to cut repair taps, and who during the year ending July 31, 1942 cut repair taps as a regular part of his business.

(14) "Dealer in finders stock" means any person whose principal business consists of selling finders' stock and other findings to cobblers repairing shoes for the general public.

(15) "Military shoes" means shoes for the Army, Navy, Marine Corps and Lend-lease requirements.

(16) "Put into process" with respect to cut outer or inner soles or repair taps means the first step taken in the preparation of such cut stock for shoemaking or shoe repairing or for attachment to shoes or shoe uppers.

(b) *Restrictions applying to whole stock.* (1) Each person tanning sole leather for his own account or causing sole leather to be tanned for his account by others shall set aside each month that portion of his manufacturers bends as fixed from time to time by orders supplementary to this order. Each bend so set aside shall be known as a manufacturers-bend-for-repair.

(2) No person except a cutter for the repair trade shall cut any manufacturers-bend-for-repair. All such bends shall be cut in accordance with paragraphs (b) (5) and (c) (3) hereof.

(3) Each person who is not a cutter for the repair trade shall reserve his manufacturers-bends-for-repair for delivery to a cutter for the repair trade.

(4) All persons having whole stock from which cut outer or cut inner soles or finders' cut stock of military weight and quality can be obtained shall reserve such whole stock (other than manufacturers-bends-for-repair) for direct sale to the Government or for delivery to sole cutters as defined or shall cut such whole stock in accordance with paragraph (b) (5) hereof: *Provided, however,* That this restriction shall not apply to any stock in the possession of a dealer in finders stock on May 22, 1942.

(5) No person (except any one whose business consists of repairing shoes for the general public) having any whole stock, from which cut inner or cut outer soles or finders cut stock of military weight and quality can be obtained, shall hereafter cut any of the said whole stock except in such a manner as will produce all the cut inner soles or cut outer soles or finders cut stock of military weight and quality obtainable therefrom in accordance with paragraphs (c) (1) and (c) (2).

(c) *Restrictions applying to sole cutters.* (1) Each sole cutter (including cutters for the repair trade) shall hereafter set aside each day all cut outer and cut inner soles of military weight and quality that are obtainable from all manufacturers whole stock cut by him. All such cut soles so set aside shall be cut on Army size dies or commercial patterns to fit the Munson last in sizes and widths to fit the sizes of shoes bought on U. S. Army Tariffs as issued, or shall be cut as required by the Navy and Marine Corps to fit their schedules, or cut in accordance with the schedules of any other defense or Lend-lease orders for shoes.

(2) Each sole cutter (including cutters for the repair trade) shall hereafter set aside each day all finders cut stock of military weight and quality cut from finders whole stock received by him. Each sole cutter shall provide that the cut stock so set aside shall include a sufficient quantity of cut outer soles so as to insure the fulfillment of his contracts to deliver such soles for use on military shoes.

(3) Non-military quality stock cut from bends shall be cut as follows:

(i) That cut from finders bends or any part thereof shall be cut in the form of non-military quality repair stock, or into midsoles required to fill existing lend-lease contracts or sub-contracts.

(ii) That cut from manufacturers-bends-for-repair or any part thereof shall be cut in the form of non-military quality repair stock.

(iii) That cut from other manufacturers bends may be cut without restriction, except as required to fill orders having priority ratings.

(d) *Restrictions on sales, deliveries, and use of cut stock.* (1) No person shall hereafter sell, deliver, or put into process any reserved military cut stock from manufacturers leather, except to fill or-

ders for cut soles of military weight and quality for delivery to or for the account of:

(i) The United States Army (excluding purchase orders placed by or for delivery to Post Exchanges);

(ii) The United States Navy (excluding purchase orders placed by or for delivery to Ships' Stores or Commissary);

(iii) The United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation and Metals Reserve Company.

(iv) The Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

(2) No person shall hereafter use any finders cut stock set aside pursuant to paragraph (c) (2) hereof, except to fill orders for repair tap soles or for cut outer soles of military weight and quality for delivery to or for the account of the United States governmental agencies and the governments of the countries set forth in (d) (1) above.

(3) No person shall hereafter sell or deliver any non-military quality repair stock (other than finders top lifts and finders pieces from which no tap can be obtained) cut from finders bends, from manufacturers-bends-for-repair or from parts of such bends, except to dealers of finders stock, or for use by cobblers in repairing shoes for the general public.

(4) No person except a cobbler repairing shoes for the general public or any person repairing his own shoes shall hereafter put into process any non-military quality repair stock (other than finders top lifts and finders pieces from which no tap can be obtained) cut from finders bends, from manufacturers-bends-for-repair or from parts of such bends.

(e) *Fair distribution of products.* In making sales or deliveries of any cut or uncut non-military quality sole leather, no person shall make discriminatory cuts in quality or quantity between former customers who meet such person's regularly established prices, terms and credit requirements, or between former customers and his own consumption of these products. Reduction in sales or deliveries proportionate with any curtailment in available supply shall not constitute a discriminatory cut.

(f) *Reports.* Every person affected by this order shall execute and file the following reports:

(1) With the War Production Board—such reports and questionnaires as may regularly or from time to time be required by said Board.

(2) With the Boston Quartermaster Depot—such reports and questionnaires as may regularly or from time to time be required by that Depot.

(g) *Disposition of stocks of reserved military cut stock.* Every person delivering to another person or to his own shoe factory any "reserved military cut stock" to fill defense orders for military shoes shall, within twenty-four (24) hours after such delivery, notify by letter addressed to the Commanding Officer Reserved Cut Stock, Boston Quartermaster Depot, Army Base, Boston, Massachusetts, Tabulating Agent of the War Production Board of the amount and quality of reserved military cut stock so delivered, the person to whom delivered, and the contract number or further identification of the defense order for military shoes to fill which such cut stock was delivered.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of sole leather conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the Director General for Operations by letter or telegram, Reference M-80, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall unless otherwise directed, be addressed to: "War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M-80."

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(k) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7607; Filed, August 5, 1942; 12:18 p. m.]

PART 1072—SOLE LEATHER

[Supplementary Order M-80-a]

§ 1072.2 *Supplementary Order M-80-a.* Pursuant to paragraph (b) (1) of Order M-80[1] as amended to August 5, 1942, which this order supplements, each person tanning sole leather for his own account or causing sole leather to be tanned for his account by others shall set aside during the period from August 1, 1942 to August 31, 1942, inclusive, at least 15% of the quantity of manufacturers bends produced by him for his own account, or produced for his account by others, during that period. Of this portion set aside not less than 70% nor more than 75% shall consist of bends of eight iron and up, and the quality of said portion set aside shall be proportionately equal, as nearly as can be, to that of the manufacturers bends not so set aside. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Public Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7608; Filed, August 5, 1942; 12:18 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Amendment 1 to Supplementary Order 5[2]]

LICENSING

A statement of the reasons for this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) in § 1305.7 is amended to read as set forth below:

§ 1305.7 *Provisions licensing dealers selling waste, scrap and salvage materials to consumers (and in the case of iron and steel scrap, to consumers or their brokers—(a) License granted.* Effective May 20, 1942, every dealer now or hereafter selling to a consumer (and in the case of iron and steel scrap, to a

*Copies may be obtained from the Office of Price Administration.

[1] *Supra.*

[2] 7 F.R. 3403.

consumer or his broker) any waste, scrap or salvage material for which maximum prices are established by price schedules and price regulations Nos. 2, 3, 4, 8, 12, 20, 30, 47, 55, 70, 87, 90, 115, 123,[3] respectively (as now or hereafter amended or supplemented), is by this Supplementary Order No. 5 granted a license as a condition of selling any such waste, scrap or salvage material. The provisions of this Supplementary Order No. 5 and of the price schedules and price regulations specified in this paragraph shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. The license granted by this Supplementary Order No. 5 shall, unless suspended as provided by the Act, continue in force so long as, and to the extent that, any of the afore-mentioned price schedules and price regulations, or any amendment or supplement thereto, remains in force.

* * * * *

(f) *Effective dates.* * * *

(2) Amendment No. 1 (§ 1305.7(a)) to Supplementary Order No. 5 shall become effective August 8, 1942. (Pub. Law 421, 77th Cong.)

Issued this 4th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7568; Filed, August 4, 1942; 4:19 p. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS

[Maximum Price Regulation 196]

TURNED OR SHAPED WOOD PRODUCTS

In the judgment of the Price Administrator it is necessary and proper to establish in a separate regulation the maximum price for the sale of turned or shaped wood products which, because of their special nature, cannot satisfactorily be priced on the basis of deliveries made in March 1942. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable, and in conformity with the general level of prices established by the General Maximum Price Regulation.[1] A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority invested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 196 is hereby issued.

AUTHORITY: §§ 1384.57 to 1384.69, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1384.51 *Definition of "turned or shaped wood products."* For the purposes of this Maximum Price Regulation No. 196: (a) The term "turned wood product" means any softwood or hardwood lumber product which has been turned on a cutting machine. The term does not include:

(1) Rotary cut lumber;

(2) Finished products, substantially ready for ultimate use (rather than for incorporation in other products), consisting of an assembly of a turned wood product or products and other parts. Specifically, but not exclusively, the following products are not subject to this Maximum Price Regulation No. 196: Furniture, brooms, mops, carpet sweepers, toys, and tools. However, the term "turned wood product" does include any part (other than rotary cut lumber) of such finished product which part has been turned on a cutting machine. Moreover, the term includes any finished or substantially finished product which consists solely of a turned wood product or turned wood parts.

(b) The term "shaped wood product" means any softwood or hardwood lumber product which has been shaped to pattern on a cutting machine. The term does not include:

(1) Moulding;

(2) Special millwork;

(3) Small dimension stock, either rough, semi-machined, or completely machined, and either glued or not glued.

(4) Doors, sash, windows and frames, or parts thereof.

(5) Finished products, substantially ready for ultimate use (rather than for incorporation in other products), consisting of an assembly of a shaped wood product or products and other parts. Specifically, but not exclusively, the following products are not subject to this Maximum Price Regulation No. 196: Furniture, toys, and tools. However, the term "shaped wood product" does include any part (other than parts of doors, sash, windows and frames) of such finished product which part has been shaped to pattern on a cutting machine. Moreover, the term includes any finished or substantially finished product which consists solely of a shaped wood product or shaped wood parts.

§ 1384.52 *Exclusions.* This Maximum Price Regulation No. 196 shall not apply to:

(a) Any sale or delivery at retail of a turned or shaped wood product. "Sale at retail" means any sale to an ultimate consumer other than an industrial, commercial or government user by a person other than the manufacturer of the product sold.

(b) Any sale or delivery of a turned or shaped wood product for which a maximum price is established by any other regulation or order issued by the Office of Price Administration, except the General Maximum Price Regulation.

(c) Any sale or delivery of a turned or shaped wood product if prior to August 9, 1942, such product had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser.

§ 1384.53 *Prohibition against sales of turned or shaped wood products at higher than maximum prices.* (a) On and after August 9, 1942, regardless of any contract, lease or other obligation:

(1) No person shall sell or deliver any turned or shaped wood product at a price higher than the maximum price established by this Maximum Price Regulation No. 196;

(2) No person in the course of trade or business shall buy or receive any turned or shaped wood product at a price higher than such maximum price: *Provided,* That if upon the purchase of any turned or shaped wood product, the purchaser shall receive from the seller or supplier a written affirmation that to the best of his knowledge, information, and belief the prices charged do not exceed the maximum price established by this Maximum Price Regulation No. 196, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section;

(3) No person shall agree, offer, solicit, or attempt to do any of the acts provided in subparagraphs (1) and (2) of this paragraph (a).

(b) No War Procurement Agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 196 or the Emergency Price Control Act of 1942.

§ 1384.54 *Maximum prices; sales by any seller of a turned or shaped wood product with a published or confidential list price*—(a) *Prices.* If any seller had a published or confidential price list or lists in effect on March 31, 1942, covering sales of turned or shaped wood products the maximum price to any purchaser for any product so listed shall be the net price which the seller would have received on that date from a purchaser of the same class. "Net price" means the amount paid by or charged to the purchaser, after adjustment for all applicable extra charges, discounts or other allowances in effect on March 31, 1942.

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[3] 2 Aluminum Scrap and Secondary Aluminum Ingot; 7 F.R. 1203, 1600, 1836, 2132, 3746, 4584.

3 Zinc Scrap Materials and Secondary Slab Zinc, 7 F.R. 1205, 1836, 2132, 3820.

4 Iron and Steel Scrap, 7 F.R. 1207, 1836, 2132, 2155, 2507, 3087, 3550, 3889, 4488.

8 Scrap and Secondary Materials Containing Nickel, 7 F.R. 1224, 1836, 2132, 2474, 2818, 3123, 3270, 3519, 4493.

12 Brass Mill Scrap, 7 F.R. 1234, 1836, 2132, 3520.

20 Copper and Copper Alloy Scrap, 7 F.R. 1245, 1643, 1836, 2106, 2132, 2897, 3242, 3404, 3489.

30 Wastepaper, 7 F.R. 1260, 1601, 1836, 2000, 2132, 2153, 3576, 3775, 4586.

47 Old Rags, 7 F.R. 1297, 1836, 2000, 2132, 2475, 3775.

55 Second-hand Bags, 7 F.R. 1312, 1756, 1798, 1836, 2000, 2132, 2300, 2395, 2543, 3330, 3447, 3855.

70 Lead Scrap Materials, 7 F.R. 1341, 1836, 2000, 2132, 2188, 2542, 3823, 5363.

87 Scrap Rubber, 7 F.R. 1369, 1836, 2000, 2132, 4781, 5177.

90 Rayon Waste, 7 F.R. 1377, 1836, 2132, 3829.

115 Silk Waste, 7 F.R. 2949.

123 Raw and Processed Wool Waste Materials, 7 F.R. 3088, 3330, 3829.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3665.

[2] 7 F.R. 971, 3663.

(b) *Report.* On or before September 1, 1942, every seller subject to this Maximum Price Regulation No. 196 shall file with the Lumber Branch of the Office of Price Administration, Washington, D. C., all his published and confidential price lists and discount sheets in effect on March 31, 1942, for turned or shaped wood products. Any person who on March 31, 1942, sold turned or shaped wood products at prices based upon price sheets published by any other person subject hereto need not file such other person's published price sheets but shall file instead a statement identifying the particular price sheet used on that date, together with his own discount sheets, if any, and a statement of any prices which constitute exceptions to such practice.

(c) *Specifications changes.* If any substantial changes are made in any turned or shaped wood product for which the seller had a published or confidential list price in effect on March 31, 1942, the maximum price for such product may be determined pursuant to § 1384.55 or § 1384.57, whichever is applicable: *Provided,* That either before such change in price or within ten days after making such change in price a report shall be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., containing the description of the turned or shaped wood product in question and of the specification changes, and a statement of the former price and the proposed price. If it is desired to issue a new list price a report shall be filed pursuant to § 1384.58.

§ 1384.55 *Maximum prices; sales by the manufacturer of turned or shaped wood products without list prices.* If for any turned or shaped wood product the manufacturer has no published or confidential list price in effect March 31, 1942, the maximum price of such product in sales by the manufacturer to any purchaser shall be computed on the following basis:

(a) *Price formula.* (1) The manufacturer shall employ the price-determining method which was in use in the plant on March 31, 1942, applying each of the pricing factors reflected in the formula at the levels prevailing in the particular plant on March 31, 1942, including: direct labor costs (applied in accordance with paragraph (b) of this section); material costs (applied in accordance with paragraph (c) of this section); overhead (burden) rates; and/or other bases of computation as of March 31, 1942.

(2) To the extent that the price-determining method includes or is based upon prices paid for sub-contracted services (such as painting or machining), the manufacturer shall use actual prices paid or to be paid for sub-contracted services, not in excess of the maximum prices provided by the appropriate maximum price regulation.

(3) The price arrived at by use of the price-determining method shall be adjusted for all applicable extra charges, discounts, or other allowances in use in the particular plant on March 31, 1942 in sales to a purchaser of the same class.

(b) *Labor rates.* (1) "Direct labor costs" shall be based upon the labor rates prevailing in the plant on March 31, 1942 for each classification of labor. If on March 31, 1942 an average rate was used, an average rate may be applied: *Provided,* That the labor rates and the method of computing the average in effect on March 31, 1942 are used.

(2) The amount of overtime labor (direct or indirect) estimated to be required may be taken into account in estimating the cost of labor: *Provided,* That no mark-up, overhead, or profit factors shall be based upon that part of the labor cost which is in excess of the straight-time cost.

(c) *Material prices.* (1) The term "material prices" includes the prices for raw materials, and for materials and products which have been processed or fabricated to any degree, including parts which can be assembled into the ultimate product without further processing.

(2) The manufacturers shall use a material cost not in excess of the lower of the following two prices:

(i) The actual price paid by the manufacturer for the material used in the production of the turned or shaped wood product being priced under this section.

(ii) The applicable maximum price for the material as established by the General Maximum Price Regulation or any other maximum price regulation.

(3) If there is more than one "actual price paid" or more than one "applicable maximum price" for the same item or material purchased by the manufacturer (as where the maximum price is on a f. o. b. mill basis and the material is bought on varying freight rates; or where different suppliers have different maximum prices as may be the case under the General Maximum Price Regulation), the "actual price paid" or the "applicable maximum price" shall mean the average of the actual prices paid or the average of the maximum purchase prices, as the case may be, for the material in the manufacturers' inventory at the time of the sales subject to this Maximum Price Regulation No. 196. In computing the average actual price paid or the average maximum purchase price for his inventory the manufacturer shall weight the purchases on the basis of quantity and shall deduct for material taken out of inventory on the basis of the average actual purchase price or the average maximum purchase price, as the case may be, of the inventory at the time the material was removed from the inventory.

(d) *Reports.* When a manufacturer first computes a maximum price for a particular turned or shaped wood product in accordance with the provisions of this section no report need be filed with the Office of Price Administration. However, if the manufacturer subsequently computes a higher maximum price for such product in accordance with the provisions of this section, unless the increase is definitely assignable to a change in specifications or a change in the conditions of delivery, the manufacturer thereof shall file a report with the Lumber Branch of the Office of Price Administration, Washington, D. C., containing: (1) a description of the turned or shaped wood product; (2) the maximum price prior to the price increase; (3) the new maximum price; (4) an explanation of the higher prices (in terms of the price-determining method and application of the appropriate price factors reflected in the formula): *Provided,* That if the price of a turned or shaped wood product previously has been reported pursuant to this paragraph without objection from the Office of Price Administration, the manufacturer shall not be required to report subsequent sales or deliveries at the same or a lower price.

§ 1384.56 *Maximum prices; sales by the manufacturer of turned or shaped wood products which cannot be priced under § 1384.54 or § 1384.55.* If the manufacturer is unable to determine the maximum price for a turned or shaped wood product pursuant to the provisions of § 1384.54 or § 1384.55, the maximum price shall be determined in accordance with this section.

(a) *Prices.* The maximum price for each sale of such turned or shaped wood product shall be the price determined by the seller and reported pursuant to paragraph (b) of this section: *Provided,* That the Office of Price Administration either approves such price in writing or fails to disapprove it within thirty days after receipt of the report. Within five days prior to filing such report and during such thirty day period, such manufacturer may contract, sell or deliver at the proposed price, but final settlement shall be made in accordance with the action of the Office of Price Administration on such report and, if required by the Office of Price Administration, refunds shall be made.

(b) *Report.* Within fifteen days of entering into a contract for the sale of a turned or shaped wood product the maximum price for which is computed in accordance with this section, the manufacturer thereof shall file a report with the Lumber Branch of the Office of Price Administration, Washington, D. C., containing: (1) a description of the product; (2) a summary of the price-determining method, if any, used in the plant on March 31, 1942, or, if no method was in use on that date, a summary of the price-determining method which the manufacturer proposes to use; (3) the maximum price computed by the manufacturer by applying to such formula the pricing factors in the manner set forth in § 1384.55; and (4) an explanation and demonstration of the method employed in arriving at that maximum price.

§ 1384.57 *Maximum prices; sales by sellers other than the manufacturer of turned or shaped wood products without list prices.* (a) If for any turned or shaped wood product a seller other than the manufacturer thereof had no published or confidential list price in effect on March 31, 1942, the maximum price to any purchaser for such product shall be the net price determined by applying to the seller's net invoiced cost of such

product, not to exceed the applicable maximum price, the average percentage mark-up, weighted by volume of sales, over net invoice cost realized during March 1942, for all turned or shaped wood products of the same class sold by such seller during March 1942, to purchasers of the same class.

(b) If for any turned or shaped wood product a seller other than the manufacturer thereof had no published or confidential list price in effect on March 31, 1942, and if such seller sold no turned or shaped wood product of the same class during March 1942, the maximum price shall be the maximum price computed under this Maximum Price Regulation No. 196 for sales of the product by the most closely competitive seller of the same class.

(c) If for any turned or shaped wood product a seller other than the manufacturer thereof had no published or confidential list price in effect on March 31, 1942, and if such seller cannot compute a maximum price for such product in accordance with the provision of paragraph (a) or (b) of this section, the seller shall apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for authorization to establish a maximum price pursuant to a pricing method proposed in writing by the seller.

§ 1384.58 *New list prices.* (a) Any person who desires or is required in writing by the Office of Price Administration to establish a list price for any turned or shaped wood product shall file a report pursuant to paragraph (b) of this section containing a proposed price determined under § 1384.55, § 1384.56, or § 1384.57 and such price thereafter shall be the maximum price: *Provided,* That the Office of Price Administration either approves such price in writing or fails to disapprove it within thirty days after receipt of the report.

(b) Under the circumstances set forth in paragraph (a) of this section a report shall be filed with the Lumber Branch of the Office of Price Administration, Washington, D .C., containing the proposed list price, the proposed effective date, the class or classes of purchasers to whom such price is to be quoted, all relevant data used in determining such price, and evidence that such price was determined in accordance with the applicable provisions of this Maximum Price Regulation No. 196.

§ 1384.59 *Report on cost-plus contracts.* Any person who has agreed to sell or deliver any turned or shaped wood product pursuant to a cost-plus-a-fixed fee or cost-plus-a-percentage-of-cost-contract, shall on or before September 1, 1942, or within ten days after entering into such contract, file a report with the Lumber Branch of the Office of Price Administration, Washington, D. C., containing a copy or a summary of such contract.

§ 1384.60 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 196 may be charged, demanded, paid or offered.

§ 1384.61 *Adjustable pricing.* Nothing in this Maximum Price Regulation No. 196 shall be construed to prohibit the making of a contract to sell turned or shaped wood products at a price not to exceed the maximum price at the time of delivery or supply. Where a petition for amendment or for adjustment or exception has been filed which requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1384.62 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 196 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to turned or shaped wood products, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Making credit terms more onerous, either by decreasing the time allowed for payment or by decreasing the deductions allowed for prompt payment, than those in effect or available to the purchaser on March 31, 1942;

(2) Changing the discounts or customary price differentials among classes of purchasers recognized by the seller on March 31, 1942;

(3) Requiring a customer to furnish material for processing where such procedure is not in accordance with previous practices;

(4) Making charges for delivery which in effect require the purchaser to pay a larger proportion of the transportation cost than would have been the case in a similar sale on March 31, 1942.

§ 1384.63 *Records and reports*—(a) *Records.* Persons subject to this Maximum Price Regulation No. 196 shall keep available for inspection by the Office of Price Administration for a period of not less than two years records of the following:

(1) *By the manufacturer.* (i) Records of each sale or delivery of turned or shaped wood products after August 8, 1942, showing the name and address of the purchaser, the date of the sale, a description and identification of the product, and the net price received.

(ii) A record showing the price-determining method employed in the plant on March 31, 1942, the labor rates in effect in the plant on March 31, 1942, the price paid for and a description of all material purchased after January 1, 1942, the system of computing overhead burden in effect in the plant on March 31, 1942, and the price or value of all other factors reflected in the price-determining method.

(iii) A record of all list prices and unsolicited trade quotations for turned or shaped wood products in effect on and after March 1, 1942.

(iv) A record of detailed cost-estimate sheets and other data showing the calculations of prices in sales covered by this Maximum Price Regulation No. 196 for which there was no list price or unsolicited trade quotations in effect on March 31, 1942, or for which no list price is hereafter established.

(2) *By a seller other than the manufacturer.* Records of the kind such seller has customarily kept, relating to the prices of turned or shaped wood products sold after August 8, 1942, and in addition, records showing precisely as possible the basis upon which maximum prices for turned or shaped wood products have been and are determined.

(3) *By persons making purchases subject to Maximum Price Regulation No. 196.* A record showing the name and address of the seller, the date of the purchase, a description of the product purchased, and the price paid.

(b) *Additional or substituted records and reports.* Every person subject to this Maximum Price Regulation No. 196, shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require or permit, either in addition to or in substitution for records and reports required by this Regulation.

§ 1384.64 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 196 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942. (b) Persons who have evidence of any violation of this Maximum Price Regulation No. 196 or any Price Schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest Field, State, or Regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1384.65 *Petition for amendment or adjustment*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such Government, or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of a turned or shaped wood product which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 196 in accordance with Procedural Regulation No. 6,[3] issued by the Office of Price Administration.

(b) *Adjustment of abnormally low maximum prices.* The Office of Price Administration, or any duly authorized

[3] 7 F.R. 5087.

officer thereof, may by order adjust the maximum prices established under this Maximum Price Regulation No. 196 for any seller of turned or shaped wood products in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

Application for adjustment under this paragraph (b) shall be filed in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration.

(c) *Special relief.* Any person seeking special relief for which no provision is made in paragraphs (a) and (b) of this section, from a maximum price established under this Maximum Price Regulation No. 196, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 196 to eliminate the danger of inflation.

(d) *General amendments and adjustments.* Persons seeking any general modification of this Maximum Price Regulation No. 196 or any general adjustment or exception not provided for therein may file petitions for amendment in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1384.66 *Definitions.* (a) When used in this Maximum Price Regulation No. 196, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized groups of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Manufacturer" means any person engaged in operating a cutting machine which is used in the production of turned or shaped wood products, and includes subcontractors and prime contractors.

(3) "List price" and the term "unsolicited trade quotations" means an offering price which the seller communicates to a substantial number of potential customers. The term does not include a price which the seller quotes only to a single potential customer in response to a specific inquiry from that potential customer.

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department or any agency of the foregoing.

(5) "Subcontracted services" means services performed by an independent contractor outside of the manufacturer's own plant, but does not include "piecework" contracts.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, shall apply to other terms used herein.

§ 1384.67 *Applicability of the General Maximum Price Regulation.* The provisions of the General Maximum Price Regulation shall not, on and after August 9, 1942, apply to sales and deliveries of turned or shaped wood products subject to this Maximum Price Regulation No. 196.

§ 1384.68 *Export sales.* The maximum price at which a person may export a turned or shaped wood product shall be determined in accordance with the methods provided in the Revised Maximum Export Price Regulation,[1] issued by the Office of Price Administration. An "export sale" is any sale between a seller in the Continental United States and a purchaser outside thereof in which the commodity sold is transported from the Continental United States to a point outside thereof and includes any sale of a commodity outside the Continental United States by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the Continental United States.

§ 1384.69 *Effective date.* This Maximum Price Regulation No. 196 (§§ 1384.51 to 1384.69, inclusive) shall become effective August 9, 1942.

Issued this 4th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7570; Filed, August 4, 1942; 4:21 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Procedural Regulation 3 [2]]

PROCEDURE FOR THE PROTEST AND AMENDMENT OF MAXIMUM RENT REGULATIONS AND ADJUSTMENTS UNDER SUCH REGULATIONS

Sections 1300.203 and 1300.242 are hereby amended to read as follows:

§ 1300.203 *Landlords' petitions.* (a) All landlords' petitions provided for by any maximum rent regulation shall be filed with the area rent office in the appropriate defense-rental area on forms provided by such office. The petition shall state the name and post office address of the petitioner, the location by post office address or otherwise, of the housing accommodations involved, the relief sought, the facts upon which such relief is based and such other information as the Administrator shall require. One original and one copy of each petition shall be filed.

(b) Within 24 hours after the filing of a petition involving a room within a hotel or rooming house, as defined in the applicable maximum rent regulation, the landlord shall give notice of such filing to the tenant of the room, either by serving a copy of the petition on such tenant or by posting conspicuously in a part of such hotel or rooming house which is used in common by the tenants thereof a notice, on a form provided therefor, stating that the petition has been filed and setting out the relief sought and such other information as the Administrator shall require: *Provided, however,* That notice need not be given to a tenant occupying a room on a daily basis.

* * * * *

§ 1300.242 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the residence or the principal office or place of business of the person to be served; or by mail or telegraph. When service is made personally or by leaving a copy at the residence or the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service. When service is by unregistered mail an affidavit that the document has been mailed shall be proof of service.

§ 1300.247a *Effective dates of amendments.* (a) Amendment No. 1 to Procedural Regulation No. 3 (§§ 1300.203 and 1300.242) shall become effective August 4, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7571; Filed, August 4, 1942; 4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 20 to General Maximum Price Regulation [1]]

LICENSING

A statement of the considerations involved in the issuance of the amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.16 is amended to read as set forth below:

[1] 7 F.R. 5059.

[2] 7 F.R. 3936, 3991.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365.

§ 1499.16 *Licensing.* Every person selling at wholesale or retail any commodity or service for which a maximum price is established by the General Maximum Price Regulation or by any other price regulation of the Office of Price Administration is by the General Maximum Price Regulation granted a license as a condition of selling any such commodity or service. The provisions of the General Maximum Price Regulation and of every price regulation of the Office of Price Administration to which this section now is or may hereafter become applicable shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of the General Maximum Price Regulation or when any such person becomes subject to the maximum price provisions of this or any other price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as such regulation, or any applicable part, amendment, or supplement remains in effect.

§ 1499.23a *Effective dates of amendments.* * * *

(t) Amendment No. 20 (§ 1499.16) to the General Maximum Price Regulation shall become effective August 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7569; Filed, August 4, 1942; 4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation [1]—Amendment 19 to Supp. Reg. 1 [2]]

EXCEPTIONS FOR CERTAIN WASTE MATERIALS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (1) of paragraph (a) of § 1499.26 is amended to read as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(1) Waste materials including but not limited to metal, paper, cloth and rubber scrap: *Provided,* That (i) (*a*) scrap burlap and scrap bagging or bale coverings composed of jute, hemp, istle, sisle or similar fibers, and (*b*) cotton mill waste shall not be considered to be waste materials for the purposes of this Supplementary Regulation No. 1; and

(ii) No sales of fat-bearing and oil-bearing animal waste materials (except as otherwise provided in subparagraphs (26) and (27) of this paragraph) shall be excepted from the General Maximum Price Regulation; and

(iii) No waste materials sold to an industrial consumer (except as otherwise provided in subsequent subparagraphs of this paragraph) shall be excepted from the General Maximum Price Regulation.

* * * * *

(e) *Effective dates.* * * *

(20) Amendment No. 19 (§ 1499.26 (a) (1) to Supplementary Regulation No. 1) shall become effective August 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7567; Filed, August 4, 1942; 4:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation [1]—Amendment 20 to Supp. Reg. 1 [2]]

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (31) is added to § 1499.26 (a) as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(31) Sliced and peeled apples.

* * * * *

(e) Effective dates. * * *

(21) Amendment 20 (§ 1499.26 (a) (31)) to Supplementary Regulation No. 1, shall become effective August 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7566; Filed, August 4, 1942; 4:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation [3]—Amendment 3 to Revised Supp. Reg. 4 [4]]

MANILA CORDAGE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new subparagraph (18) is added to § 1499.29 (a) to read as set forth:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

* * * * *

(18) (i) Sales or deliveries of manila cordage by persons other than the producer thereof, to the Metals Reserve Company or its duly authorized agent or agents.

(ii) Sales or deliveries of manila cordage by the Metals Reserve Company, or its duly authorized agent or agents, to the United States or any agency thereof.

For the purposes of this subparagraph (18), the term "manila cordage" means rope and cable in which manila fiber is used either alone or in combination with other fibers and which is of diameters of $\frac{3}{16}$ of an inch and larger and of lengths of not less than 200 feet and of grades designated by manufacturers as "better than grade #1", "grade #1", "grade #2" and "grade #3".

* * * * *

(d) (4) Amendment No. 3 (§ 1499.29 (a) (18)) to Revised Supplementary Regulation No. 4 shall become effective August 8, 1942. (Pub. Law 421, 77th Cong.)

Issued this 4th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7556; Filed, August 4, 1942; 4:18 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 41]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN THE GAINESVILLE-STARKE DEFENSE-RENTAL AREA

Correction

Subparagraph (8) of § 1388.6063 (a), appearing on page 5824 of the issue for Wednesday, July 29, 1942, should read as follows:

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Amendment 11 to Rationing Order 2A [1]]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

Sections 1360.345, 1360.401 and 1360.404 (a) are amended to read as set forth below:

§ 1360.345 *Government agencies exempt from quota restrictions.* A non-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192.

[2] 7 F. R. 3158, 3488, 3567, 3892.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484.

[2] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365.

[4] 7 F.R. 5056, 5089.

[1] 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484.

quota certificate may be issued to any agency of the federal, state or local government upon satisfaction of the terms of §§ 1360.371 and 1360.372.

§ 1360.401 *Notification.* After action upon an application, the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase a new passenger automobile, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of a new passenger automobile.

(a) A quota certificate shall be issued on Form R–214 and may be used within 30 days from date of issuance.

(b) A non-quota certificate shall be issued on Form R–215 and may be used within 60 days from the date of issuance.

(c) A certificate issued to a federal agency shall be issued on Form R–217 and may be used during such period as may be prescribed by the Office of Price Administration.

§ 1360.404 *Action by purchaser.* (a) Upon receiving the certificate so executed, the applicant may purchase a new passenger automobile from any dealer or transferor at a price not in excess of the maximum price established by the Office of Price Administration.

* * * * *

§ 1360.442 *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§§ 1360.345, 1360.401 and 1360.404 (a)) to Rationing Order No. 2A shall become effective August 8, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493.)

Issued this 5th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–7604; Filed, August 5, 1942; 11:49 a. m.]

PART 1387—SILVER

[Maximum Price Regulation 198]

IMPORTS OF SILVER BULLION

In the judgment of the Price Administrator it is necessary to establish maximum prices for the importation of silver bullion because the General Maximum Price Regulation[1] has only limited application to such importation and because the prices at which silver bullion is imported have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices at which silver bullion was imported between October 1 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

The maximum prices established by this regulation are in conformity with the general level of prices established by the General Maximum Price Regulation, and in the judgment of the Price Administrator are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 198 is hereby issued.

AUTHORITY: §§ 1387.1 to 1387.9, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1387.1 *Maximum prices at which silver bullion may be imported.* (a) On and after August 10, 1942, regardless of any contract, agreement, lease or other obligation, no person in the course of trade or business shall import, or agree, offer, solicit, or attempt to import:

(1) Silver bullion in the form of standard commercial bars at a price higher than 35.375 cents per troy ounce, f. o. b. New York City or San Francisco; or, if such silver bullion is delivered to the importer at a point other than New York City or San Francisco, at a price higher than 35.375 cents per troy ounce, *plus* the transportation charges from the point of shipment to the point of destination, *minus* the transportation charges from the point of shipment to New York City or to San Francisco, whichever are lower.

(2) Silver bullion in any form other than standard commercial bars, or of a quality, grade, or degree of fineness different from that of standard commercial bars, at a price higher than that determined by the Office of Price Administration

(b) Every person seeking to import silver bullion in any form other than standard commercial bars, or of a quality, grade, or degree of fineness different from that of standard commercial bars, shall file with the Office of Price Administration, Washington, D. C., an application for the determination of a maximum price for such silver bullion. The application shall be under oath and shall set forth:

(1) A detailed description of the silver bullion for which a maximum price is sought including the form and the quality grade or degree of fineness thereof, the quantity and the point to which delivery is to be made;

(2) The names and addresses of the applicant, the seller, and of any agent, broker, or other intermediary acting for either party to the transaction;

(3) The maximum price proposed by the applicant, together with a statement of any facts known to the applicant (which may be stated on information and belief) tending to show that such proposed price bears the same relationship to the maximum price herein established for silver bullion imported in the form of standard commercial bars as the price of the silver bullion sought to be imported bore to the price of silver bullion imported in the form of standard commercial bars during March 1942. After an application has been filed in accordance with the provisions hereof and pending determination of a maximum price by the Office of Price Administration, the applicant may enter into or offer to enter into contracts at the proposed price: *Provided*, That such contracts stipulate that the contract price shall be revised in accordance with the maximum price determined by the Office of Price Administration and that if payments are made at the proposed price, refunds shall be made of the excess, if any, over such maximum price.

(c) The maximum prices herein established shall include all brokerage fees, commissions, and other charges made by any agent, broker or other intermediary for arranging any purchase of silver bullion or for conducting negotiations between the buyer and seller relative thereto; and no person shall pay any such brokerage fee, commission, or other charge unless the aggregate price for such silver bullion, including such brokerage fees, commissions, and other charges, does not exceed the applicable maximum price herein established.

§ 1387.2 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 198 supersede the provisions of the General Maximum Price Regulation with respect to commodities, purchases and deliveries for which maximum prices are established by this regulation.

§ 1387.3 *Less than maximum prices.* Lower prices than those set forth in § 1387.1 of this Maximum Price Regulation No. 198, may be paid or offered.

§ 1387.4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 198 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, receipt or importation of or relating to silver bullion, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1387.5 *Records and reports.* (a) On and after August 10, 1942, every person importing silver bullion or acting as an agent, broker, or other intermediary in the importation of silver bullion shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such importation, showing (1) the name and address of the other

[1] 7 F.R. 3153, 3330, 3666.

*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 971, 3663.

party or parties to the transaction, (2) a description of the silver bullion purchased, (3) the date of the purchase, (4) the quantity purchased, (5) the price, and (6) other terms of sale and shipment.

(b) Each such person shall keep and submit such other reports in addition to or in lieu of the records required by this section as the Office of Price Administration may, from time to time, require.

§ 1387.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 198 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 198 or any price schedule, regulation, or order, issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State or Regional Office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1387.7 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 198, or an adjustment or exception not provided for herein, may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

§ 1387.8 *Definitions.* (a) When used in this Maximum Price Regulation No. 198, the term:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Silver bullion" means silver which has been melted, smelted, or refined and which is in such state or condition that its value depends primarily upon the silver content and not upon its form;

(3) "Standard commercial bars" means silver bullion in the customary form of bars of approximately 1,000 ounces each, .999 fine.

(4) "Import" means to buy, receive, or in any manner to pay for any silver bullion pursuant to or in connection with any transaction, contract, agreement or other obligation whereby silver bullion is transported or is to be transported to the United States, its Territories or possessions, or the District of Columbia from any place outside the United States, its Territories and possessions, and the District of Columbia, regardless of whether the importer deals directly with the seller, or deals through an agent, broker or other intermediary acting for either party, in or outside the United States, its Territories or possessions, or the District of Columbia, and regardless of whether such importation is for use or for resale.

(5) "Point of shipment" means the port of entry, or, in the case of silver bullion imported into the United States, its Territories and possesions by overland shipment, the station of the common carrier at or nearest the point on the international boundary at which the shipment first enters the United States, its Territories or possessions.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act shall apply to other terms used herein.

§ 1387.9 *Effective date.* This Maximum Price Regulation No. 198 (§§ 1387.1 to 1387.9, inclusive) shall become effective August 10, 1942.

Issued this 5th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7602; Filed, August 5, 1942; 11:47 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 7 to Rationing Order 3[1]]

SUGAR RATIONING REGULATIONS

Paragraph (a) of §§ 1407.83, 1407.161, and 1407.184 are amended; a new paragraph (e) is added to § 1407.71, to read as set forth below:

Consumers

§ 1407.71 *Home canning and preserving.* * * *

(e) The term fruit as used in this section shall include fruit juices.

Institutional and Industrial Users

§ 1407.83 *Registration.* (a) Except as the Office of Price Administration may otherwise authorize, registration shall be made on April 28 or 29, 1942, for each registering unit on OPA Form R-310 (Registration of Industrial and Institutional Users) at a registration site designated for the area in which the principal business office of the owner is located.

* * * * *

Petitions for Adjustment; Appeals; New Business; Miscellaneous

§ 1407.161 *Petitions for adjustment of base, allotment, provisional allowance, or allowable inventory.* Petition may be made by an owner for adjustment in the sugar base, allotment, provisional allowance, or allowable inventory of a registering unit. The petition shall be made upon OPA Form No. R-315 (Special Purpose Application). The petition shall be filed with the Board with which the unit is registered. The Board may request such additional information as it may deem pertinent, and shall, within ten days after the receipt of the petition, send it, together with all substantiating evidence and information received by the Board, to the Office of the State Director, or take such other action as the Office of Price Administration may direct. The Board shall attach to the Form its recommendation concerning the action to be taken thereon. The petitioner may thereafter be requested to furnish further information and to appear personally.

Armed Forces of the United States; Certain Other Persons and Agencies

§ 1407.184 *Products containing sugar delivered to Army or Navy or certain other persons or agencies.* Any registering unit which has delivered products manufactured by it, in the manufacture of which it used sugar, to the Army or Navy of the United States, or to any of the persons or agencies listed in paragraph (b) of § 1407.183, may apply to and obtain from the Board a Certificate in weight value equal to the amount of sugar used by it in such products. The application shall be made on OPA Form No. R-315 (Special Purpose Application) and shall set forth the nature and amount of the products, the period during which the products were manufactured, the dates when such products were delivered and the amount of sugar used by it in such products and shall be accompanied by such evidence of delivery to the Army, Navy, or other such person or agency as the Board may require.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§§ 1407.71 (e), 1407.83 (a), 1407.161 and 1407.184) shall become effective August 8, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, and Supp. Dir. No. 1E.)

Issued this 5th of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7603; Filed, August 5, 1942; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation[1]—Amendment 4 to Revised Supplementary Regulation 4[2]]

EXCEPTIONS FOR SALES AND DELIVERIES TO UNITED STATES

IMPORTED SILVER BULLION

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The proviso in § 1499.29 (a) (13) is designated (i) and a new proviso (ii) is added as set forth below:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities, sales and de-*

[3] 7 F.R. 971, 3663.

[1] F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027.

[2] 7 F.R. 4661.

liveries. (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

* * * * *

(13) * * *

(ii) *Provided, further,* That this exception shall not apply to imported silver bullion. "Silver bullion" shall have the meaning given to it in Maximum Price Regulation No. 198, Imports of Silver Bullion. "Imported silver bullion" means silver bullion brought into the United States, its Territories or possessions, or the District of Columbia from any place outside the United States, its Territories and possessions, and the District of Columbia.

* * * * *

(d) * * *

(5) Amendment No. 4 (§ 1499.29 (a) (13) (ii)) to Supplementary Regulation No. 4 (§ 1499.29) shall become effective August 10, 1942. (Pub. Law 421, 77th Cong.)

Issued this 5th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7601; Filed, August 5, 1942; 11:49 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

PART 29—ENFORCEMENT

NUMBERING OF MOTORBOATS

Section 29.8 (d)[1] is amended by the correction of the first sentence thereof to read as follows:

§ 29.8 *Procedure relating to numbering of motorboats.* * * *

(d) A certificate of award of number of an undocumented vessel operated in whole or in part by machinery, when such vessel is in commission, shall be kept on board at all times and shall be accessible to the person in charge except when such papers are in the custody of the District Coast Guard Officer. * * *

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

AUGUST 1, 1942.

[F. R. Doc. 42-7576; Filed, August 5, 1942; 10:02 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

ORDER POSTPONING EFFECTIVE DATE OF REGULATIONS

At a general session of the Interstate Commerce Commission, held at its offices in Washington, D. C., on the 3rd day of August, A. D. 1942.

In the matter of the postponement of the taking effect of section 409 of Part IV of the Interstate Commerce Act.

It appearing, that by the provisions of section 6 of the Act approved May 16, 1942, amending the Interstate Commerce Act, the Commission is authorized and directed, if found necessary by it or desirable in the public interest, to postpone the taking effect of any of the provisions of Part IV of the Interstate Commerce Act to such time, but not beyond the first day of September 1942, as the Commission shall, by general or special order, prescribe;

It further appearing, that by order entered June 8, 1942, the taking effect of the provisions of section 409 (a) (2) and (3) was postponed until July 1, 1942;

It further appearing, that by order entered June 11, 1942, the taking effect of section 409 (a) (1) was postponed until the first day of July, 1942;

It further appearing, that on the 1st day of August, 1942, a number of freight forwarders subject to the act filed a petition requesting that the taking effect of paragraphs (1), (2), and (3) of section 409 (a) be further postponed until July 16;

And it further appearing, that the postponement of the taking effect of subparagraphs numbered (1), (2), and (3) of section 409 (a) is necessary and advisable in the public interest, and the Commission so finding;

It is ordered, That the date for the taking effect of the provisions of subparagraphs numbered (1), (2), and (3) of section 409 (a) of the Interstate Commerce Act be, and it is hereby, postponed until the 16th day of July 1942;

And it is further ordered, That the notice of such postponement be given to freight forwarders subject to part IV of the Interstate Commerce Act, and to the public by depositing a copy of this order in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Division of the Federal Register of the National Archives.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-7578; Filed, August 5, 1942; 10:25 a. m.]

Chapter II—Office of Defense Transportation

[General Permit O.D.T. 1-2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

SUBPART A—MERCHANDISE TRAFFIC

Correction

Section 520.2 *Movement of merchandise freight cars for armed forces* was incorrectly numbered 502.2 on page 6017 of the issue for Tuesday, August 4, 1942.

[1] 7 F.R. 5838.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-289]

JOE ADDIS AND SON

NOTICE OF AND ORDER FOR HEARING

In the matter of Joe Addis and Phillip Addis, individually and as co-partners, doing business under the name and style of Joe Addis and Son, Code Member.

A complaint dated July 8, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 11, 1942, by the Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Joe Addis and Phillip Addis, individually and as co-partners doing business under the name and style of Joe Addis and Son, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Cabell County Court House, Huntington, West Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise

ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Joe Addis and Phillip Addis, individually and as copartners, doing business under the name and style of Joe Addis and Son, whose code membership became effective as of June 17, 1937, operating the J. Addis and Son Mine (Mine Index No. 2) and the No. 2 Mine (Mine Index No. 1146) both located in Lawrence County, Ohio, District No. 4, wilfully violated section 4 II (a) of the Act and Part II (a) of the Code, the Marketing Rules and Regulations, and various orders of the Division, as follows:

1. By failing and refusing to file with the Statistical Bureau for District No. 4 for each month from and including January 1941 to and including June 1942 within five days after the end of each of said months reports of all sales made during each of said months of coal produced at its above-named mines, said coal being shipped by truck or wagon to various purchasers; and failing and refusing to file with the statistical bureau for said period copies of truck tickets, sales slips, invoices, and listing of said sales, thereby violating section III (b) of Order No. 307 dated December 11, 1940, and Order No. 309, dated January 14, 1941, and the provisions of the Act and the Code, pursuant to which said orders were promulgated.

2. By failing and refusing to file with the Statistical Bureau for District No. 4, for the months of January, February and March 1941, copies of all invoices rendered for coal produced at the above-named mines, which coal was sold for rail shipment to various purchasers, and failing and refusing to file currently, as rendered, with the statistical bureau, for said months, copies of credit and debit memoranda and memoranda of all changes in specifications, or, in lieu thereof, the information required to be filed in the form of monthly reports for each of said months on the forms prescribed; and failing and refusing, for each month from and including April 1941 to and including June 1942, to maintain and file with the Division certain records relating to the sale of coal produced at the above-named mines and shipped therefrom by rail, and failing and refusing, for each of said months, to maintain and keep on file at their office copies of all loading records, shipping records, and daily billing sheets, and failing and refusing, during said period, to file with the Division copies of debit and credit memoranda, thereby violating the provisions of Order No. 156, dated December 18, 1938, and Order No. 313, dated February 24, 1941, and the provisions of the Act and Code, pursuant to which said orders were promulgated.

3. By failing and refusing to file with the Statistical Bureau for District No. 4, for each month from and including January 1941 to and including June 1942, copies of spot orders for all sales of coal produced at the above-named mines during said period within ten (10) days from the dates of acceptance of said spot orders by them, and did likewise fail during said period to file with the statistical bureau copies of contracts for the sale of coal produced at the above-named mines within fifteen (15) days from the dates of said contracts, thereby violating Order No. 14, dated July 15, 1937 and Rule 3 of section V, and Rule 7 of section VI of the Marketing Rules and Regulations, and the provisions of the Act and Code, pursuant to which said order and marketing rules and regulations were promulgated.

Dated: August 4, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

[F. R. Doc. 42-7589; Filed, August 5, 1942; 11:11 a. m.]

[Docket No. 1717-FD]

SHELBY COAL CO.

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of Shelby Coal Company, (W. K. Jenne), registered distributor, Registration No. 4797, defendant.

A hearing in the above-entitled matter having been scheduled for August 22, 1941, at the Federal Court Room, Federal Building, Catlettsburg, Kentucky, by an Order of the Division dated July 23, 1941, and said hearing having been postponed by an Order of the Division dated August 15, 1941, to a date and place to be thereafter designated by an appropriate Order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on September 21, 1942, at 10 a. m. at the Cabell County Court House, Huntington, West Virginia.

It is further ordered, That Examiner Travis Williams preside at said hearing, vice Examiner W. A. Shipman; and

It is further ordered, That the Notice Of and Order for Hearing dated July 23, 1941, as amended by said Order of the Division dated August 15, 1941, shall in all other respects remain in full force and effect.

Dated: August 4, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

[F. R. Doc. 42-7588; Filed, August 5, 1942; 11:11 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

MEMPHIS, TENNESSEE, MARKETING AREA

PROPOSED MILK MARKETING AGREEMENT AND ORDER

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, and to a proposed marketing order, regulating the handling of milk in the Memphis, Tennessee, marketing area, prepared by the Administrator of Agricultural Marketing Administration.

Pursuant to § 900.12 (a)[1] of the General Regulations of the Agricultural Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to a proposed marketing agreement and to a proposed marketing order regulating the handling of milk in the Memphis, Tennessee, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 1019, Department of Agriculture, Washington, D. C., not later than the close of business on the 7th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary Statement

The proceedings were initiated by the Agricultural Marketing Administration upon receipt of a petition dated May 11, 1942, from the Mid-South Milk Producers Association of Memphis, Tennessee, for a public hearing on a marketing agreement and marketing order program which it proposed. Following this request, and after consideration of the proposal, notice of the hearing was issued on May 27, 1942, and the hearing was convened on June 17, 1942. The time for filing briefs was set at the close of the hearing, to expire at midnight July 8, 1942.

The underlying issue in this proceeding is whether or not the Secretary shall

[1] 6 F.R. 6573.

issue a marketing order. It is concluded from the record that an order should be issued and that a marketing agreement should be offered to the handlers who regularly sell milk in the prescribed marketing area to be known as the Memphis, Tennessee, marketing area, irrespective of the original source of the milk sold. By this means orderly marketing conditions will be promoted and preserved and the policy of the act will be effectuated.

From the conclusion on the underlying issue, several principal issues pertaining to certain features of the proposed program assume prominence from the record, as follows:

1. What constitutes the most practical marketing area, and what constitutes its supply of milk which should be regulated?

2. At what level shall the minimum class prices be fixed?

3. By what method shall the proceeds of these minimum prices be distributed to producers?

On these issues, it is concluded that:

1. The marketing area should include the city of Memphis, Tennessee, and that the supply to be regulated should be that handled by plants from which fluid milk is regularly used as Class I milk in the marketing area.

2. Parity prices calculated from the period August 1919–July 1929 are unreasonable in view of present conditions and that it is necessary to fix prices, under section 8c (18) of the act, such that farmers will receive a price for milk produced for sale in the marketing area sufficient to maintain an adequate supply of pure and wholesome milk for such area and to be in the public interest.

3. Payment should be made to all producers delivering milk to all handlers of uniform prices for all milk so delievered, irrespective of the uses made of such milk by the individual handler to whom it is delivered; until January 1, 1943, such payments to be distributed to producers on the basis of individual handler payment plans in effect on July 1, 1942, and thereafter, such payments to be distributed to producers on the basis of their marketings of milk during September, October, and November, 1942.

4. The purchasing power of milk in the Memphis, Tennessee, marketing area specified in section 2 of the act cannot be determined satisfactorily from available statistics of the Department of Agriculture for the period August 1909–July 1941, but can be determined satisfactorily from available statistics of the Department of Agriculture for the post-war period August 1919–July 1929 and that the post-war period should be the base period to be used in determining the purchasing power of milk sold in the Memphis, Tennessee, marketing area.

The following proposed marketing order prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, as Amended, Agricultural Marketing Administration, is recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agrement is not included in this report because the provisions thereof will be the same as the provisions of the proposed marketing order.

PROPOSED MARKETING ORDER, REGULATING THE HANDLING OF MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

It is found upon the evidence introduced at the public hearing held in Memphis, Tennessee, June 17, 18, and 19, 1942:

Findings

1. That prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608c), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That all handling of milk sold or disposed of by handlers as defined in section 1 (a) (6) of this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products, and that handlers so defined are engaged in the handling of milk which is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk or its products;

3. That the order regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, a marketing agreement upon which a hearing has been held;

4. That a pro rata assessment, on handlers receiving milk from producers, not to exceed 4 cents per hundredweight, as provided by section 10 of this order, on all milk received of producers or produced by such handlers, during each delivery period, will provide funds necessary to pay such expenses as necessarily will be incurred by the market administrator under such order for the maintenance and proper functioning of his office; and

5. That orderly conditions for milk flowing into the Memphis, Tennessee, marketing area are so disrupted as to result in the impairment of the purchasing power of such milk and that the issuance of this order and all of its terms and conditions, will tend to effectuate the declared policy of the act.

Provisions

SECTION 1. *Definitions*—(a) *Terms.* As used herein the following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(3) The term "Memphis, Tennessee, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Memphis in the State of Tennessee.

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person, irrespective of whether any such person is also a handler, who produces under a dairy farm inspection report issued by the proper health authorities, milk which is received at a plant from which milk is disposed of in the marketing area and any person reported by a handler pursuant to section 5 (a) (1) (ix). This definition shall be deemed to include any person who produces, under a dairy farm inspection report issued by the proper health authorities, milk caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area.

(6) The term "handler" means any person, irrespective of whether such person is a producer, wherever located or operating, who engages in such handling of milk, all or a portion of which is disposed of in fluid form as milk, skim milk, or cream in the marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include any cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association and for which such cooperative association collects payment. This definition shall not be deemed to include any person from whom emergency milk is received.

(7) The term "fluid milk plant" means any milk plant currently used for any or all of the handling functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing, bottling, or other preparation of milk of producers for final sale or disposition in fluid form in the marketing area.

(8) The term "market administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

(9) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of the calendar month in which such effective date occurs. Subsequent to such month the term "delivery period" shall mean the current marketing period from the first to the last day of each calendar month, both inclusive.

(10) The term "emergency milk" means milk, skim milk, or cream, received by a handler from sources other than producers under a special permit issued to him by the proper health authorities.

(11) The term "base" means the quantity of milk calculated for each producer pursuant to section 8 (i).

(12) The term "excess" means the quantity of milk remaining after base deliveries of a producer have been subtracted from his total deliveries of milk during the delivery period.

SEC. 2. *Market administrator* — (a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violation of the terms and provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 5 or (ii) made payments pursuant to section 8;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(7) Pay, out of the funds provided by section 10, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(8) Promptly verify the information contained in the reports submitted by handlers.

SEC. 3. *Classification of milk.*—(a) *Milk to be classified.* Milk handled by a cooperative association under the conditions set forth in section 1 (a) (6), and all milk, skim milk, and cream handled by each handler in his fluid milk plant or plants or reported by him pursuant to section 5 (a) (1) (ix), shall be classified by the market administrator in the classes set forth in paragraph (b) of this section, subject to the provisions of paragraphs (c) and (d) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, skim milk, and cream disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, and cream (for consumption as cream), including any cream product disposed of in fluid form which contains a butterfat content of less than 18 percent and all milk not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk specifically accounted for (i) as used to produce a milk product other than those specified in Class I milk and (ii) as actual plant shrinkage, which shall not exceed 2 percent of the total quantity of milk of producers including the handler's own production.

(c) *Transfers of milk and cream.* (1) Milk, skim milk, or cream shall be Class I milk when (i) moved from a handler's fluid milk plant to the fluid milk plant of another handler: *Provided,* That such milk shall be classified as Class I milk only to the extent of the total Class I milk of the second handler; (ii) moved from a handler's fluid milk plant to a handler who receives no milk from producers other than milk of his own production; (iii) without being first received in the handler's fluid milk plant for the primary processing steps of weighing (or measuring) or testing, is caused to be delivered by a handler to a person who is not subject to the provisions hereof but who is engaged in the business of distributing fluid milk, fluid skim milk, or fluid cream, if the handler has reported such milk as being a part of his regular supply of producer milk; (iv) moved from the fluid milk plant of a handler to a person who is not subject to the provisions hereof but who is engaged in the business of distributing fluid milk, fluid skim milk, or fluid cream on wholesale or retail routes; and (v) disposed of completely processed and bottled for distribution by a handler who handles no milk of producers to another handler who handles milk of producers: *Provided,* That the quantity of such milk so classified shall not exceed the amount of such milk, skim milk, or cream disposed of in the original package by the receiving handler.

(2) Milk, skim milk, and cream, except emergency milk, received at a fluid milk plant from sources other than producers or other fluid milk plants shall be Class II milk, except that any of this milk, skim milk, and cream in excess of the amount of Class II milk used by the handler shall be Class I milk.

(3) Milk of a producer transferred by a handler to another handler without being received by the first handler for the primary processing steps of weighing (or measuring) and testing, shall be considered as having been received by the second handler directly from the producer.

(4) Milk, skim milk, or cream moved by a handler to a plant not specified in paragraph (c) (1) of this section for the manufacture of nonfluid milk products shall be Class II milk.

(d) *Computation of milk in each class.* For each delivery period the market administrator shall compute for each handler the pounds of milk of producers allocated to each class as follows:

(1) Determine the pounds of milk, skim milk, and cream handled as follows: add into one sum (i) the pounds of milk of producers; (ii) the pounds of milk produced by such handler; (iii) the pounds of milk, skim milk, and cream received from other handlers; (iv) the pounds of emergency milk received; and (v) the pounds of milk, skim milk, and cream received from other sources.

(2) Determine the pounds of butterfat handled as follows: add into one sum (i) the pounds of butterfat in milk of producers; (ii) the pounds of butterfat in milk produced by such handler; (iii) the pounds of butterfat in milk received from other handlers; (iv) the pounds of butterfat in emergency milk; and (v) the pounds of butterfat in milk received from other sources.

(3) Determine the pounds of Class I milk as follows: convert to quarts the quantity of milk, skim milk, and cream disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks and cream, including any cream product disposed of in fluid form which contains a butterfat content of less than 18 percent, and multiply the sum by 2.15: *Provided,* That there shall be added any difference between the quantity of milk determined under subparagraph (1) of this paragraph and the Class I milk thus far computed plus the pounds of Class II milk computed pursuant to subparagraph (4) of this paragraph:

(4) Determine the pounds of Class II milk as follows:

(i) Multiply the pounds of Class I milk computed prior to the proviso in subparagraph (3) of this paragraph by its average butterfat test;

(ii) Subtract the pounds of Class I butterfat computed pursuant to (i) of this subparagraph from the pounds of butterfat computed under subparagraph (2) of this paragraph;

(iii) Subtract the pounds of Class I milk, computed prior to the proviso in subparagraph (3) of this paragraph, from the amount computed under subparagraph (1) of this paragraph;

(iv) Divide the quantity of butterfat computed under (ii) of this subparagraph by the pounds of milk computed under (iii) of this subparagraph;

(v) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, and add together the resulting amounts;

(vi) Add to the sum obtained in (v) of this subparagraph the amount which represents the butterfat loss by actual plant shrinkage, but in no event shall such plant shrinkage allowance exceed 2

percent of the total receipts of milk of producers (including the handlers' own production) multiplied by the average test of such milk; and

(vii) Divide the sum computed under (vi) of this subparagraph by the average test of Class II milk computed under (iv) of this subparagraph.

(5) Determine the classification of milk of producers as follows:

(i) Subtract from the pounds of milk in each class the pounds of milk, skim milk, and cream received from other handlers and apportioned to each class in accordance with paragraph (c) of this section;

(ii) Subtract from the remaining pounds of Class II milk the total pounds of milk, skim milk, and cream, except emergency milk, received from other sources: *Provided*, That if the quantity of such milk, skim milk, and cream received is greater than the total quantity of Class II milk of such handlers, an amount equal to such difference shall be subtracted from the remaining pounds of Class I milk;

(iii) Subtract pro rata out of the remaining pounds of milk in each class the quantity of emergency milk received by such handler.

SEC. 4. *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraph (b) of this section, such handler who handles milk of producers shall pay producers, at the time and in the manner set forth in section 8, not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to section 3 (d) (5):

(1) Class I milk—$3.45, except for the months of May and June when the price shall be $3.25: *Provided*, That for Class I milk disposed of by such handler under a program approved by the Secretary for the sale or distribution of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 46 cents.

(2) Class II milk—The price resulting from the following computation by the market administrator: multiply by 4 the average price of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, plus 20 percent thereof, plus 3½ cents for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound. In this computation the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. If carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the price for Class II milk shall be that resulting from the following computation by the market administrator: multiply by 4 the average price of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, plus 20 percent thereof, plus 3½ cents for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound.

(b) *Butterfat differential to handlers.* (1) If any handler has disposed of milk of producers, as Class I milk of a weighted average butterfat test more or less than 4 percent, such handler shall add or deduct, as the case may be, to the Class I price 5.5 cents for each one-tenth of 1 percent that the butterfat content of such Class I milk varies above or below 4 percent.

(2) If any handler has disposed of milk of producers as Class II milk of a weighted average butterfat test more or less than 4 percent, such handler shall add or deduct, as the case may be, to the Class II price, for each one-tenth of 1 percent that the butterfat content of such Class II milk varies above or below 4 percent, an amount computed as follows: to the average price per pound of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent and divide the result obtained by 10.

SEC. 5. *Reports of handlers*—(a) *Reports to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 7th day after the end of each delivery period, each handler who handled milk of producers shall report the following information with respect to all milk, skim milk, and cream handled by him during such delivery period:

(i) The quantity of milk of each producer (including that of such handler's own production), the butterfat content thereof, and the number of days on which such milk was handled;

(ii) The quantity of delivered base milk and the quantity of excess milk of each producer;

(iii) The milk, skim milk, and cream, with its butterfat content, received from other handlers who handled milk of producers;

(iv) The milk, skim milk, and cream, with its butterfat content, received from any other source, including receipts of milk, skim milk, and cream completely processed and packaged for distribution to consumers received from handlers who handled no milk of producers;

(v) The utilization of all milk, skim milk, and cream handled.

(vi) The name and address of each producer whose milk had not been handled during the previous delivery period;

(vii) Such other information with respect to the above as the market administrator may request;

(viii) The emergency milk received, as follows: (a) the amount of such milk, (b) the date or dates upon which such milk was received during the delivery period, (c) the plant from which such milk was shipped, (d) the price paid, or to be paid, for such milk, (e) the utilization of such milk, and (f) such other information with respect thereto as the market administrator may request;

(ix) The name and address of each person who produces milk under a dairy farm inspection report issued by the proper health authorities and who is under contract with such handler, either individually or through a cooperative association, to have his milk paid for as part of the handler's supply of milk for fluid milk use, but whose milk is not received in such handler's fluid milk plant. Any such person who is not included on such a list, submitted on or before the 7th day after the end of the delivery period, shall not be deemed to be a producer for such delivery period; and

(x) The milk diverted by a cooperative association under the conditions set forth in section 1 (a) (6), as follows: (a) the amount of such milk, (b) the date or dates upon which such milk was diverted during the delivery period, (c) the plant to which such milk was shipped, (d) the utilization of such milk, and (e) such other information with respect thereto as the market administrator may request.

(2) On or before the day such handler receives emergency milk, his intention to receive such milk.

(3) Within 10 days after the market administrator's request with respect to each producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the pounds of milk handled with its butterfat content, and (iii) the number of days upon which such milk was handled.

(4) On or before the 22d day after the end of each delivery period, his producer pay roll for such delivery period, which shall show for each producer (i) the total pounds of delivered base and excess milk with average butterfat content and (ii) the net amount of such handler's payment to such producer with the prices, deductions, and charges involved.

(5) Each handler who handles no milk of producers shall report to the market administrator at such time and in such manner as the market administrator may request.

(6) Each handler who handles milk of producers shall report, at such time and in such manner as the market administrator may request, the payment plan in effect for each producer at his fluid milk plant on July 1, 1942.

(b) *Verification of reports.* (1) Each handler shall make available to the

market administrator or his agent, or to such other person as the Secretary may designate, (1) all records and facilities necessary for the verification of the information contained in the reports submitted and for the accounting of the usage of all milk, skim milk, and cream handled in accordance with the classification of milk as set forth in section 3, and (2) those facilities which are necessary for weighing, sampling, and testing of the milk of each producer.

(2) If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine the records of milk, skim milk, and cream handled by the handler but not required to be classified in accordance with section 3 (a), such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any milk, skim milk, or cream handled during such delivery period was used in a class other than that in which it was first reported, such milk, skim milk, or cream shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk, skim milk, or cream shall be made.

SEC. 6. *Application of provisions*—(a) *Handlers who are also producers.* (1) Except as set forth in subparagraph (2) of this paragraph, the provisions of sections 4, 7, 8, 9, and 10 shall not apply to a handler who handles no milk of producers other than milk of his own production.

(2) In computing the value of milk for any handler pursuant hereto, the market administrator shall consider any milk received in bulk by such handler from a handler who is also a producer and who purchases or receives no milk from other producers as being received from a producer.

SEC. 7. *Determination of uniform prices to producers*—(a) *Computation of the value of milk.* (1) For each delivery period, the market administrator shall compute, subject to the provisions of section 6, for each handler who handled milk of producers, the value of milk handled by each such handler by (i) multiplying the quantity of such milk in each class computed pursuant to section 3 (d) (5) by the applicable class prices, and (ii) combining into one total the resulting class values: *Provided,* That if any handler who handled milk of producers received fluid milk, fluid skim milk, or fluid cream which has been classified as Class I milk pursuant to section 3 (c) (2), there shall be added, with respect to such Class I milk, the difference between the Class II and the Class I prices each of such prices being adjusted by its respective butterfat differential on the basis of the test of such milk, skim milk, or cream.

(2) In the event any handler who handled no milk of producers individually disposed of fluid milk, fluid skim milk, or fluid cream, other than emergency milk, in the marketing area during the delivery period, the market administrator shall compute the value of such milk, skim milk, or cream by multiplying the amount thereof by the difference between the Class II and the Class I prices, each price being adjusted by its respective differential on the basis of the test of such milk, skim milk, or cream.

(b) *Computation and announcement of uniform prices prior to January 1, 1943.* For each delivery period prior to January 1, 1943, the market administrator shall compute and announce the uniform price per hundredweight of milk of producers in the following manner:

(1) Combine into one total the respective values computed pursuant to paragraph (a) of this section, for each handler who made the reports and payments required by sections 5 (a) and 8 (e);

(2) Subtract, if the average butterfat content of all milk of producers is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of such butterfat variance, from 4 percent computed pursuant to section 8 (h);

(3) Add the cash balance in the producer-settlement fund;

(4) Divide by the total hundredweight of milk of producers which is represented in these computations;

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments by handlers. This result shall be known as the uniform price for milk containing 4 percent of butterfat; and

(6) On or before the 11th day after the end of each delivery period mail to all handlers and publicly announce: (i) such of these computations as do not disclose confidential information (ii) the Class II price (iii) the butterfat differentials, and (iv) the uniform price.

(c) *Computation and announcement of uniform prices subsequent to December 31, 1942.* For each delivery period subsequent to December 31, 1942, the market administrator shall compute and announce the uniform price per hundredweight of milk of producers in the following manner:

(1) Combine into one total the respective values computed pursuant to paragraph (a) of this section for each handler who made the reports and payments required by sections 5 (a) and 8 (c);

(2) Subtract, if the average butterfat content of all milk of producers is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of such butterfat variance from 4 percent computed pursuant to section 8 (h);

(3) Subtract the amount to be paid to producers pursuant to section 8 (c) (2);

(4) Add the cash balance in the producer-settlement fund;

(5) Divide by the total hundredweight of delivered base milk of producers and which is represented in these computations;

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments by handlers. This result shall be known as the delivery period uniform price to be paid producers for base milk containing 4 percent butterfat; and

(7) On or before the 11th day after the end of such delivery period, mail to all handlers and publicly announce: (i) such of these computations as do not disclose confidential information, (ii) the Class II price, (iii) the butterfat differentials, (iv) the price to be paid for base milk, and (v) the price to be paid for excess milk.

SEC. 8. *Payments for milk*—(a) *Half-delivery period payment.* On or before the last day of each delivery period, each handler shall pay each producer the approximate value of the milk of such producer which was handled by such handler during the first 15 days of such delivery period.

(b) *Final payment for delivery periods prior to January 1, 1943.* On or before the 15th day after the end of each delivery period, each handler shall pay his producers a total amount of money equal to the uniform price subject to the butterfat differential provided by paragraph (h) of this section times the amount of milk delivered to him by such producers less the payment made pursuant to paragraph (a) of this section in accordance with his customary plan of payment to producers as of July 1, 1942: *Provided,* That any change may be made in that plan if such change is made uniformly to all producers delivering to that handler.

(c) *Final payment for delivery period subsequent to December 31, 1942.* On or before the 15th day after the end of each delivery period, subsequent to December 31, 1942, each handler shall pay producers, subject to the butterfat differential provided by paragraph (h) of this section and less the payment made pursuant to paragraph (a) of this section, as follows:

(1) To each producer at the uniform price per hundredweight computed pursuant to section 7 (c) (6), for that quantity of milk of such producer not in excess of his delivered base; and

(2) To each producer at the Class II price, for that quantity of milk of such producer in excess of his delivered base.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (e) and (g) of this section, and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator, for payment to producers

through the producer-settlement fund, the amount by which the total utilization value of the milk of producers handled by such handler during the delivery period is greater than the sum obtained by multiplying the pounds of such milk of producers by the appropriate price or prices required to be paid producers by handlers pursuant to paragraph (b) or (c) of this section and adding together the resulting amounts: *Provided*, That if any handler who handled milk of producers has received fluid milk, fluid skim milk, or fluid cream, which was classified as Class I milk pursuant to section 3 (c) (2), such handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, the amount which is computed pursuant to the proviso of section 7 (a) (1): *And provided further*, That in the event any other handler who handled no milk of producers individually, disposed of fluid milk, fluid skim milk, or fluid cream other than emergency milk, in the marketing area during the delivery period, such handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, an amount per hundredweight which is computed pursuant to section 7 (a) (2).

(f) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers, the amount, if any, by which the total utilization value of the milk of producers handled by such handler during the delivery period is less than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate price or prices required to be paid producers by handlers pursuant to paragraphs (b) or (c) of this section, and adding together the resulting amounts. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment due him from the market administrator shall be deemed to be in violation of paragraphs (b) or (c) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors under which money would accrue to the producer-settlement fund pursuant to paragraphs (e) or (f) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator, within 5 days, shall make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(h) *Butterfat differential.* In making payments to each producer, pursuant to paragraphs (b) or (c) of this section, each handler shall add to the price per hundredweight not less than, or subtract from the price per hundredweight not more than, as the case may be, for each one-tenth of 1 percent of butterfat content which is above or below 4 percent in milk of such producer, the amount as shown in the schedule below for the butter-price range in which falls the average wholesale price of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received:

Butter-price range (cents per pound)	*Butterfat differential (cents per one-tenth of 1 percent)*
17.50–22.499	2.5
22.50–27.499	3.0
27.50–32.499	3.5
32.50–37.499	4.0
37.50–42.499	4.5
42.50–47.499	5.0
47.50–52.499	5.5
52.50–57.499	6.0
57.50–62.499	6.5

(i) *Determination of base.* For each delivery period the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: (1) Multiply the applicable figure computed pursuant to the following subdivisions of this subparagraph by the number of days during such delivery period on which the milk of such producer was handled;

(i) Effective for each calendar year subsequent to December 31, 1942, the daily base of each producer who began delivery to a handler before the month of September preceding such calendar year shall be determined by the market administrator from reports filed by handlers pursuant to section 5 (a) or from the best information available, in the following manner:

(a) Determine for each producer the average daily deliveries of his milk to a handler for the number of days on which this order is in effect during the months of September, October, and November, of the year immediately preceding: *Provided*, That if a producer is prevented by the applicable health authority, through quarantine or degrading, from delivering milk, and such producer furnishes to the market administrator, a statement to that effect written by such applicable health authority, the market administrator shall deduct from the figure representing the number of days in the base forming period the number of days (but not more than 30 days in any one base forming period) involved by such ruling of the applicable health authority: *And provided further*, That if a producer, as the result of official testing for tuberculosis or Bang's disease, testing for mastitis by a recognized veterinarian, or for any reason which the market administrator determines was not under the control of the producer loses 20 percent or more of the cows in his herd and furnishes the market administrator, within 5 days, with satisfactory documentary evidence of such loss, such producer shall be permitted 3 months in which to replace such cows lost through such testing and the market administrator shall credit such producer with the delivery of his established base in the determination of such producer's daily base;

(b) Add together in one sum all the daily average amounts computed according to (a) of this subdivision;

(c) Determine, from reports filed by handlers pursuant to section 5 (a), the average daily Class I milk for such months of September, October, and November of handlers who handled milk of producers;

(d) Divide the amount determined pursuant to (c) of this subdivision by the sum determined pursuant to (b) of this subdivision; and

(e) Multiply the daily average amount for each producer determined in (a) of this subdivision by the percentage figure computed pursuant to (d) of this subdivision. This result shall be known as the producer's daily base for the current calendar year;

(ii) In the event of allotment of a daily base to a producer who did not regularly sell milk to a handler on September 1 of the preceding calendar year, or to a producer who for other reasons does not have a base computed under subdivision (i) of this subparagraph, the market administrator shall determine the daily average deliveries of milk by such producer for the first two full calendar months immediately following the first regular delivery of such producer, or, in the case of a producer previously holding a base, the first two full calendar months immediately following the first regular delivery following the date of termination of such base. Such daily average deliveries of milk shall be multiplied by the percentage that total reported base deliveries were to reported total deliveries of milk to the market by all daily base holding producers during such two calendar months;

(iii) If a handler who distributes within the marketing area milk of his own production disposes of all or a part of his delivery routes to a handler who handles milk of producers and thereafter delivers milk to a handler as a producer, a daily base shall be computed by the market administrator in the following manner: determine the average daily Class I milk produced and disposed of on such delivery routes of such handler during the three months next preceding the date of the disposal of such delivery routes which the purchasing and selling handlers jointly report as involved in the deal, subject to verification by the market administrator. This figure shall be

known as the producer's daily base and shall be effective from the date of the first delivery of milk of his own production in bulk to a handler by such producer through the remaining calendar year and thereafter shall be superseded by a daily base determined pursuant to subdivision (i) of this subparagraph.

(2) The following rules shall be observed by the market administrator in the allotment and administration of bases:

(i) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler, he shall receive a daily base computed in the manner provided in subparagraph (1) (ii) of this section;

(ii) In case a producer sells or delivers to a handler milk not of his own production as being milk of his own production, the base of such producer shall be forfeited at the beginning of the delivery period during which such milk was delivered and all milk sold or delivered to a handler by such producer during such delivery period shall be excess milk. Thereafter, such producer shall receive a daily base computed in the manner provided in subparagraph (1) (ii) of this section;

(iii) If, on or before the 5th day after the transfer of a farm from which base milk is delivered, there is submitted to the market administrator an affidavit stating that such farm has been transferred, and specifying the date of such transfer, signed jointly before a notary public by the transferee and the transferor of such farm, and if, within 10 days after such affidavit is submitted to the market administrator, no written protest containing information that such transfer was contrary to the terms of this subdivision is filed with the market administrator, the base of such producer may be transferred but only as one unit to the purchaser of such farm. If, upon investigation, the market administrator finds the terms of this subdivision have been violated, the base of such producer shall be forfeited; and

(iv) A producer may retain his base when moving his entire herd of cows from one farm to another farm, and the farm from which he moves shall retain no base.

SEC. 9. *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 5 cents per hundred pounds from the payments made to each producer pursuant to section 8, with respect to all milk of producers handled by such handler during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such money shall be expended by the market administrator for verification of weights, sampling, and testing of milk of producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to section 8, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

SEC. 10. *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk of producers handled by him and milk produced by him during such delivery period, an amount not exceeding 4 cents per hundredweight, the exact amount to be determined by the market administrator. Each cooperative association which is a handler shall pay such prorata share of expense on only that milk of producers caused to be delivered by it to the plants from which no milk is disposed of in the marketing area.

SEC. 11. *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall be performed, if the Secretary so directs, by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, (iii) when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iv) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such other person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 12. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

This report filed at Washington, D. C., the 4th day of August 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

[F. R. Doc. 42-7587; Filed, Aug. 5, 1942; 11:06 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940, (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940 (5. F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective August 6, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheeplined Garments Divisions of the Apparel Industry

Atlas Garment Co., Inc., 2150 Washington Street, Boston, Massachusetts; Gabardine Reversible Rainwear; 7 learners (T); August 6, 1943.

Blain Associates, Blain, Perry County, Pennsylvania; Women's Woven Rayon Underwear; 10 percent (T); August 6, 1943.

Creighton Shirt Company, 67 Franklin Street, New Haven, Connecticut; Men's and Women's Tailored Shirts; 10 percent (T); August 6, 1943.

Sam Mermelstein, 1820 Terpsichore Street, New Orleans, Louisiana; Leather Coats; 3 learners (T); August 6, 1943.

Northern Manufacturing Company, Inc., 64 Conduit Street, New Bedford, Massachusetts; Field Jackets, Separate Skirts, Sportswear; 10 percent (T); August 6, 1943.

Glove Industry

Alvord Glove Company, 5 Green Street, Mayfield, New York; Leather Dress and Knit Fabric; 4 learners (T); August 6, 1943.

Sam Mermelstein, 1820 Terpsichore Street, New Orleans, Louisiana; Leather Work Gloves; 3 learners (T); August 6, 1943.

Mt. Sterling Manufacturing Company, Mt. Sterling, Madison County, Ohio; Work Gloves; 15 learners (E); February 6, 1943.

Panama Glove Company, 605 East 42nd Street, Los Angeles, California; Leather Dress, Knit Fabric and Work Gloves; 5 learners (T); August 6, 1943.

Hosiery Industry

Berton Hosiery Mills, Granite Falls, North Carolina; Seamless Hosiery; 3 learners (T); August 6, 1943.

Knitted Wear Industry

Appalachian Mills Company, 815 Ft. Sanders Street, Knoxville, Tennessee; Knitted Underwear; 5 percent (T); August 6, 1943.

Wolfe Manufacturing Company, Chelmsford Street, Lowell, Massachusetts; Knitted Outerwear; 4 learners (T); August 6, 1943.

Textile Industry

Appalachian Mills Company, Knoxville, Tennessee; Cotton Yarn and Cotton and Wool Mixed; 3 percent (T); August 6, 1943.

Cabin Handicrafters, Inc., Clayton, Georgia; Table Mats, Bath Mats, Shopping, Knitting and Hand Bags, etc.; 3 learners (T); August 6, 1943.

Century Ribbon Mills, Inc., 814 Farren Street, Portage, Pennsylvania; Silk and Rayon; 5 learners (T); August 6, 1943.

Friedman Bag Company, 600 Aliso Street, Los Angeles, California; Bags made of Burlap and Cotton; 3 learners (T); August 6, 1943.

The Schlichter Jute Cordage Company, Trenton & Castor Avenue, Philadelphia, Pennsylvania; Yarns; 3 percent (T); August 6, 1943.

The Schlichter Jute Cordage Company, Trenton & Castor Avenue, Philadelphia, Pennsylvania; Yarns; 50 learners (E); December 6, 1942.

Unaka Bedspread Company, Legion Street, Johnson City, Tennessee; Chenille Bedspreads; 11 learners (E); February 6, 1943.

Signed at New York, N. Y., this 4th day of August 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-7586; Filed, August 5, 1942; 11:03 a. m.]

INTERSTATE COMMERCE COMMISSION.

FILING OF JOINT FREIGHT FORWARDER-MOTOR COMMON CARRIER RATES

AUGUST 3, 1942.

The Commission, at a general session held in its offices in Washington, D. C., on July 30, 1942, held that the only initial joint freight forwarder-motor common carrier rates which may be filed under section 409 of the act are those which actually fall within the terms of subsections (1), (2) and (3) of section 409 (a). No such joint rates may now be filed except those (1) which were contained in tariffs and supplements offered for filing with the Commission prior to May 16, 1942, and which were rejected, and (2) those under which freight forwarders and motor common carriers were actually operating on July 1, 1941. The Commission recognizing that this ruling will make it difficult for certain freight forwarders to establish such joint rates, by order dated today postponed the taking effect of subparagraphs (1), (2) and (3) of section 409 (a) until July 16, 1942. As a result of this order, such joint rates and charges contained in tariffs previously filed but not rejected become effective as of July 16, 1942, unless notice is filed with this Commission within 30 days after July 16, 1942, canceling same. Also, joint rates and charges contained in tariffs offered for filing prior to May 16, 1942, but rejected and tariffs containing joint rates which were actually in effect on July 1, 1941, may be filed on or before August 15, 1942, and when so filed become effective July 16, 1942.

After joint forwarder-motor rates or charges filed in accordance with the above requirements become effective, changes in and additions to such joint rates or charges may be established on 30 days' notice; or, if permission is obtained in advance from the Commission, on less than 30 days' notice.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-7577; Filed, August 5, 1942; 10:25 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Special Order O. D. T. No. B-11]

CHICAGO—PEORIA AND ST. LOUIS

COORDINATION OF MOTOR VEHICLE PASSENGER SERVICE

Order directing coordinated operation of passenger carriers by motor vehicle between Chicago and Peoria, Illinois, and St. Louis, Missouri.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with this Office by Illinois Greyhound Lines, Inc., Cleveland, Ohio, The Santa Fe Trail Transportation Co., Wichita, Kansas, and Black Hawk Motor Transit Company, Peoria, Illinois (hereinafter called "carriers"), and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, materials, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war,

It is hereby ordered, That:

1. Illinois Greyhound Lines, Inc., shall:

(a) Suspend service over its route between Chicago and Peoria, Illinois;

(b) Transfer to The Santa Fe Trail Transportation Co. at Chicago, Illinois, passengers destined to Peoria, Illinois, and to points on the routes of the carriers intermediate to Chicago and Peoria;

(c) Transfer to Black Hawk Motor Transit Company at Springfield, Illinois,

passengers destined to Peoria, Illinois, and to points on the routes of the carriers intermediate to Springfield and Peoria.

2. The Santa Fe Trail Transportation Co. shall:

(a) Subject to obtaining prior approval of the appropriate regulatory authority or authorities divert one or more of its daily round trip schedules between Chicago, Illinois, and Peoria, Illinois, to that portion of the route described in paragraph 1 (a) between Ottawa, Illinois, and Peoria;

(b) Suspend service over its route between Peoria, Illinois, and the junction of U. S. Highway 66 and State Highway 48 north of Litchfield, Illinois, via Springfield, Illinois;

(c) Transfer to Black Hawk Motor Transit Company at Peoria, Illinois, passengers destined to St. Louis, Missouri, and to points on the routes of the carriers intermediate to Peoria and St. Louis;

(d) Transfer to Illinois Greyhound Lines, Inc., at St. Louis, Missouri, passengers destined to Peoria, Illinois, and to points on the routes of the carriers intermediate to the junction of U. S. Highway 66 and State Highway 48 north of Litchfield, Illinois, and Peoria, Illinois.

3. Black Hawk Motor Transit Company shall:

(a) Transfer to Illinois Greyhound Lines, Inc., at Springfield, Illinois, passengers destined to St. Louis, Missouri, and to points on the routes of the carriers intermediate to Springfield, and St. Louis;

(b) Transfer to The Santa Fe Trail Transportation Co. at Peoria, Illinois, passengers destined to Chicago, Illinois, and to points on the routes of the carriers intermediate to Peoria and Chicago.

4. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order, and a notice describing the operations to be suspended in compliance herewith; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

This order shall become effective on August 26, 1942, and remain in full force and effect until further order of this Office. (E.O. 8989, 9156, 6 F.R. 6725; 7 F.R. 3349)

Issued at Washington, D. C. this 5th day of August, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7605; Filed, August 5, 1942; 11:51 a. m.]

[Special Order O.D.T. No. B-12]

TULSA—DALLAS

COORDINATION OF MOTOR VEHICLE PASSENGER SERVICE

Order directing coordinated operation of passenger carriers by motor vehicle between Tulsa, Oklahoma, and Dallas, Texas.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with this Office by The Santa Fe Trail Transportation Company, Wichita, Kansas, Dixie Motor Coach Corporation, Dallas, Texas, and Southwestern Greyhound Lines, Inc., Fort Worth, Texas, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war,

It is hereby ordered, That:

1. The Santa Fe Trail Transportation Company, Dixie Motor Coach Corporation, and Southwestern Greyhound Lines, Inc. (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Tulsa, Oklahoma and Dallas, Texas, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. On the routes served by the carriers between Tulsa, Oklahoma, and Dallas, Texas, The Santa Fe Trail Transportation Company and Dixie Motor Coach Corporation shall operate a joint through service of not to exceed four round trips daily, and Southwestern Greyhound Lines, Inc. shall operate a through service of not to exceed five round trips daily.

3. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

This order shall become effective August 10, 1942, and shall remain in full force and effect until further order of this Office. (E.O. 8989, 9156, 6 F.R. 6725; 7 F.R. 3349)

Issued at Washington, D. C., this 5th day of August 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7606; Filed, August 5, 1942; 11:51 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Docket No. 3010-1]

PITTSBURGH FERROMANGANESE CO.

ORDER GRANTING PETITION FOR EXCEPTION

Paragraph (e) of the order appearing on page 5799 of the issue for Tuesday, July 28, 1942, should read as follows:

(e) Unless the context otherwise requires, the definitions set forth in § 1306.51 of Revised Price Schedule No. 10 shall apply to terms used herein.

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-46, 4-36]

CITIES SERVICE COMPANY, ET AL.

ORDER APPROVING PLAN AND PERMITTING SOLICITATION OF EXCHANGE AGREEMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of August, A. D., 1942.

In the matters of Cities Service Company, Empire Gas and Fuel Company, Cities Service Gas Company, Cities Service Oil Company (Delaware), and Indian Territory Illuminating Oil Company, respondents, File No. 59-46, and Cities Service Company and Empire Gas and Fuel Company, respondents, File No. 4-36.

The Commission having by orders instituted proceedings with respect to Cities Service Company, Empire Gas and Fuel Company, Cities Service Gas Company, Cities Service Oil Company (Delaware), and Indian Territory Illuminating Oil Company pursuant to sections 11 (b) (2), 12 (c), 12 (f) and 15 (f) of the Public Utility Holding Company Act of 1935; and

The respondents, Cities Service Company and Empire Gas and Fuel Company, having requested in the answer

filed in such proceedings that the Commission issue a report on a Plan of Recapitalization of Empire Gas and Fuel Company which was made a part of such answer and that such respondents be permitted to solicit exchange agreements from the public preferred stockholders of Empire Gas and Fuel Company in accordance with the provisions of such Plan of Recapitalization; and

Hearings having been held on the issues raised by the orders of the Commission and the answer filed by the respondents and on the Plan of Recapitalization; the Commission having examined the record made at such hearings and having found that the request to solicit exchange agreements pursuant to such Plan of Recapitalization should be treated as an application and a declaration filed under sections 11 (e) and 11 (g) of the Act; and the Commission having made and filed a combined "Findings and Report" thereon:

It is therefore ordered, That the said declaration is permitted to become effective and that the Plan of Recapitalization is approved for submission to the public holders of the preferred stock of Empire Gas and Fuel company subject, however, to the following conditions:

1. Complete jurisdiction is reserved in respect of the pending proceedings under sections 11 (b) (2), 12 (c), 12 (f) and 15 (f) should the Plan of Recapitalization, for any reason, fail to be consummated, and in the event the Plan becomes operative upon less that 100% acceptance, in respect of such further proceedings as may be deemed appropriate with respect to the shares of the publicly held preferred stock which may not have been deposited under the Plan.

2. A copy of the "Findings and Report" issued by the Commission herein shall be furnished each preferred stockholder of Empire Gas and Fuel Company as part of the solicitation literature.

3. Empire Gas and Fuel Company shall submit to the Commission not less than three days prior to use thereof, copies in final form of all supplemental or follow-up solicitation literature.

4. No fees or commissions shall be paid the dealer managers or selected dealers in respect of exchange agreements on preferred stock beneficially owned by any dealer manager or selected dealer.

5. Empire Gas and Fuel Company shall submit to this Commission semi-monthly during the operative period of the exchange offer reports showing:

(1) The number of exchange agreements obtained through the efforts of the dealer managers and the selected dealers classified according to dates received, states of residence of stockholders, size of holdings and names of selected dealers.

(2) The same information required in (1) above as to agreements received solely through solicitation by the company.

6. At the termination of the operative period of the exchange offer or as soon thereafter as is practicable, Empire Gas and Fuel Company shall submit to this Commission a detailed statement reflecting all commissions and other costs and expenses charged to or incurred by Empire Gas and Fuel Company in connection with said exchange offer including all items of expense charged to Empire Gas and Fuel Company by the dealer managers.

7. Complete jurisdiction is reserved with respect to any and all issues concerning Indian Territory Illuminating Oil Company, its publicly held stock and its relationships with the other companies in the Cities Service Company system.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-7579; Filed, August 5, 1942; 11:02 a. m.]

[File No. 812-272]

INSURANSHARES CORPORATION OF DELAWARE

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 4th day of August, A. D. 1942.

Insuranshares Corporation of Delaware, a registered closed-end management investment company, having filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of that Act a proposed purchase by Russel M. VanKirk, an officer and director of Burco Inc. another registered investment company and an affiliated company of the applicant, of 36,251 shares of common stock of Bruco Inc. for the sum of $5,000 from Northern Fiscal Corporation, a controlled company of applicant; and for an order pursuant to the provisions of section 23 (c) (3) of the Act permitting Insuranshares Corporation of Delaware to purchase 20,000 shares of its own capital stock from Burco, Inc. for the sum of $10,000;

It is ordered, That a hearing on the matter of the application of the above-named applicant under and pursuant to the provisions of sections 17 (b) and 23 (c) of the Investment Company Act of 1940 be held on August 11, 1942 at eleven o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice

Notice of such hearing is hereby given to the above-named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-7580; Filed, August 5, 1942; 11:02 a. m.]

[File Nos. 54-40, 59-40, 54-53, 59-49]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

INTERIM ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of August, 1942.

In the matters of Consolidated Electric and Gas Company, applicant, File No. 54-40; Central Public Utility Corporation, Consolidated Electric and Gas Company, respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, applicants, File No. 54-53, and Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, respondents, File No. 59-49.

Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, Voting Trustees under a Voting Trust Agreement, dated August 1, 1932, relating to the common stock of Central Public Utility Corporation, said Trustees and said Corporation each being a registered public utility holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 as implemented by Rule U-44 promulgated thereunder regarding the transfer of the common stock of Central Public Utility Corporation held by said Voting Trustees to the holders of Voting Trust Certificates; the proceeding in connection with said declaration having been consolidated with certain other proceedings, principally under section 11 of the Public Utility Holding Company Act of 1935, and, involving registered holding companies in the holding-company system of which said Voting Trustees are a part, extensive hearings having been held said proceedings, but the Commission not yet having completed its consideration of the record;

It appearing to the Commission that the Voting Trust Agreement, pursuant to the terms of which said Voting Trustees have heretofore held the common stock above mentioned, expired by the terms thereof on August 1, 1942, but it further appearing to the Commission that it is in the public interest and in the interest of investors that a decision upon the declaration of said Voting Trustees for permission to distribute such stock to the beneficial owners thereof, be deferred pending the further consideration of the entire record in the above-entitled consolidated proceeding, and the entry of the Commission's findings and opinion, and final order therein;

It is ordered, That pending the further order of this Commission, said Voting Trustees shall not distribute, or otherwise dispose of said common stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-7581; Filed, August 5, 1942; 11:02 a. m.]

MIDWEST SECURITIES CO.

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of August, A. D. 1942.

In the matter of Guy D. Marianette, doing business as Midwest Securities Company, 117 North 27th Street, Billings, Montana.

Proceedings having been instituted under section 15 (b) of the Securities Exchange Act of 1934, pursuant to order of the Commission dated December 30, 1941 to determine whether the registration of Guy D. Marianette, doing business as Midwest Securities Company, should be suspended or revoked; and the Commission having found that the said Guy D. Marianette has willfully violated certain provisions of the Act and that it is in the public interest to revoke the registration of the said Guy D. Marianette as a broker and dealer, as more fully set forth in the findings and opinion of the Commission this day issued;

It is ordered, on the basis of said findings and opinion, that the registration of Guy D. Marianette, doing business as Midwest Securities Company, be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-7582; Filed, August 5, 1942; 11:02 a. m.]

[File No. 70-585]

EASTERN LAND CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 4th day of August, A. D., 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission by Eastern Land Corporation, a subsidiary of Associated Electric Company, a registered holding company, pursuant to the Public Utility Holding Company Act of 1935 and particularly section 12 (c) thereof. All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed which is summarized as follows:

Eastern Land Corporation proposes to declare and pay, out of capital surplus or unearned surplus, a dividend on its 18,000 shares of common stock, $1.00 par value, at the rate of $2.00 per share, aggregating $36,000. Associated Electric Company holds all the common stock of the Corporation.

The declaration or application sets forth that the Eastern Land Corporation has, on hand and in banks, cash in the amount of $40,796.03, claimed to be in excess of the amount required to defray normal operating expenses and taxes, which, for the twelve month period ended May 31, 1942, aggregated $4,622.90. The excess funds were accumulated by Eastern Land Corporation through the payment, in February, 1942, of an account receivable from Youghiogheny Hydro-Electric corporation, an associate company.

Notice is further given that any interested person may, not later than August 20, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-7583; Filed, August 5, 1942; 11:03 a. m.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER SETTING HEARING ON AMENDMENT TO BY-LAWS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of August 1942.

The National Association of Securities Dealers, Inc., a registered national securities association, having submitted to its members a proposed amendment to its by-laws providing for certain minimum capital requirements as a condition of membership and continuance of such membership; and the association having represented to the Commission that said amendment has been approved by the members of said association; and

The Commission deeming it necessary that a hearing be held at which all interested persons be given an opportunity to be heard on the question whether such amendment is necessary or appropriate in the public interest or for the protection of investors and to carry out the purposes of section 15A of the Securities Exchange Act of 1934, as amended;

It is ordered, That the matter be set down for hearing at 10 a. m. on Thursday, August 13, 1942, in room 318, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission shall determine, and that general notice thereof be given.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-7584; Filed, August 5, 1942; 11:03 a. m.]

[File 1-1810]

ASSOCIATED GAS AND ELECTRIC CO.

ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 4th day of August, A. D. 1942.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Associated Gas and Electric Company, common stock, $1 par value, and Class A stock, $1 par value should be suspended or withdrawn.

Associated Gas and Electric Company, pursuant to section 12 (b) of the Securities Exchange Act of 1934, having registered its Common Stock, $1 Par Value, on the Boston Stock Exchange, and its Class A Stock, $1 Par Value, on the Boston Stock Exchange, the Los Angeles Stock Exchange, and the New York Curb Exchange, and having filed annual reports for the years 1935, 1936, and 1937 pursuant to section 13 of the said Act; and

Proceedings having been instituted by the Commission pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether the company's application for registration and annual reports failed in material respects to comply with the provisions of sections 12 (b), 13 (a), and 13 (b) of the Act and the Rules, Regulations, and Forms promulgated thereunder, and whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of such securities from national securities exchanges; and

The Boston Stock Exchange, pursuant to an application filed under section 12 (d) of the Act, approved by the Commission on May 23, 1941, having stricken the said Common Stock, $1 Par Value, and Class A Stock, $1 Par Value, of Associated Gas and Electric Company from listing and registration on the said Exchange;

Hearings having been held herein after appropriate notice, and the Commission having duly considered the record of the proceedings, together with the advisory report therein filed by the trial examiner, exceptions thereto filed by counsel for the registrant and counsel for the Commission, and a brief filed by counsel for the Commission; and the Commission having this date made and entered its findings and opinion herein;

It is ordered, Pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 and in accordance with the said findings and opinion, that registration on the Los Angeles Stock Exchange and the New York Curb Exchange of the Class A Stock, $1 Par Value, of Associated Gas and Electric Company be withdrawn, effective ten days after the date hereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-7585; Filed, August 5, 1942; 11:03 a. m.]